



Maryland Register

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Volume 37 • Issue 21 • Pages 1421—1478

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Evaluation
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COMAR subscribers,
please see important
information contained
in the back of the
Register regarding
changes to the
COMAR format and
new delivery options.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before September 20, 2010, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of September 20, 2010.

Gail S. Klakring
Acting Administrator, Division of State Documents
Office of the Secretary of State



Information About the Maryland Register and COMAR

MARYLAND REGISTER

The Maryland Register is an official State publication published every other week throughout the year. A cumulative index is published quarterly.

The Maryland Register is the temporary supplement to the Code of Maryland Regulations. Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Register.

The following information is also published regularly in the Register:

- Governor's Executive Orders
- Governor's Appointments to State Offices
- Attorney General's Opinions in full text
- Open Meetings Compliance Board Opinions in full text
- State Ethics Commission Opinions in full text
- Court Rules
- District Court Administrative Memoranda
- Courts of Appeal Hearing Calendars
- Agency Hearing and Meeting Notices
- Synopses of Bills Introduced and Enacted by the General Assembly
- Other documents considered to be in the public interest

CITATION TO THE MARYLAND REGISTER

The Maryland Register is cited by volume, issue, page number, and date. Example:

- 19:8 Md. R. 815—817 (April 17, 1992) refers to Volume 19, Issue 8, pages 815—817 of the Maryland Register issued on April 17, 1992.

CODE OF MARYLAND REGULATIONS (COMAR)

COMAR is the official compilation of all regulations issued by agencies of the State of Maryland. The Maryland Register is COMAR's temporary supplement, printing all changes to regulations as soon as they occur. At least once annually, the changes to regulations printed in the Maryland Register are incorporated into COMAR by means of permanent supplements.

CITATION TO COMAR REGULATIONS

COMAR regulations are cited by title number, subtitle number, chapter number, and regulation number. Example: COMAR 10.08.01.03 refers to Title 10, Subtitle 08, Chapter 01, Regulation 03.

DOCUMENTS INCORPORATED BY REFERENCE

Incorporation by reference is a legal device by which a document is made part of COMAR simply by referring to it. While the text of an incorporated document does not appear in COMAR, the provisions of the incorporated document are as fully enforceable as any other COMAR regulation. Each regulation that proposes to incorporate a document is identified in the Maryland Register by an Editor's Note. The Cumulative Table of COMAR Regulations Adopted, Amended or Repealed, found online, also identifies each regulation incorporating a document. Documents incorporated by reference are available for inspection in various depository libraries located throughout the State and at the Division of State Documents. These depositories are listed in the first issue of the Maryland Register published each year. For further information, call 410-974-2486.

HOW TO RESEARCH REGULATIONS

Each COMAR title has a Table of Contents and Index. An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" which is found online at www.dsd.state.md.us/CumulativeIndex.pdf. This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-974-2486.

SUBSCRIPTION INFORMATION

For subscription forms for the Maryland Register and COMAR, see the back pages of the Maryland Register. Single issues of the Maryland Register are \$5.00 per issue, plus \$2.00 for postage and handling.

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

Maryland citizens and other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined. Listed below are some of the ways in which citizens may participate (references are to State Government Article (SG), Annotated Code of Maryland):

- By submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see "Opportunity for Public Comment" at the beginning of all regulations appearing in the Proposed Action on Regulations section of the Maryland Register). (See SG, §10-112)
- By petitioning an agency to adopt, amend, or repeal regulations. The agency must respond to the petition. (See SG §10-123)
- By petitioning an agency to issue a declaratory ruling with respect to how any regulation, order, or statute enforced by the agency applies. (SG, Title 10, Subtitle 3)
- By petitioning the circuit court for a declaratory judgment on the validity of a regulation when it appears that the regulation interferes with or impairs the legal rights or privileges of the petitioner. (SG, §10-125)
- By inspecting a certified copy of any document filed with the Division of State Documents for publication in the Maryland Register. (See SG, §7-213)

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Martin O'Malley, Governor; **John P. McDonough**, Secretary of State; **Gail S. Klakring**, Acting Administrator; **Mary D. MacDonald**, Editor, Maryland Register and COMAR; **Elizabeth Ramsey**, Editor, COMAR Online; **Marcia M. Diamond**, Subscription Manager, COMAR; **Tami Cathell**, Help Desk, COMAR and Maryland Register Online.

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Illustrations by Carolyn Anderson, Dept. of General Services

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PERSONS WITH DISABILITIES

Individuals with disabilities who desire assistance in using the publications and services of the Division of State Documents are encouraged to call (410) 974-2486, or (800) 633-9657, or FAX to (410) 974-2546, or through Maryland Relay.

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COMAR Online

The Code of Maryland Regulations is available at www.dsd.state.md.us as a free service of the Office of the Secretary of State, Division of State Documents. The full text of regulations is available and searchable. Note, however, that the printed COMAR continues to be the only official and enforceable version of COMAR.

The Maryland Register is also available at www.dsd.state.md.us.

For additional information, visit www.sos.state.md.us, Division of State Documents, or call us at (410) 974-2486 or 1 (800) 633-9657.

Availability of Monthly List of Maryland Documents

The Maryland Department of Legislative Services receives copies of all publications issued by State officers and agencies. The Department prepares and distributes, for a fee, a list of these publications under the title "Maryland Documents". This list is published monthly, and contains bibliographic information concerning regular and special reports, bulletins, serials, periodicals, catalogues, and a variety of other State publications. "Maryland Documents" also includes local publications.

Anyone wishing to receive "Maryland Documents" should write to: Legislative Sales, Maryland Department of Legislative Services, 90 State Circle, Annapolis, MD 21401.

CLOSING DATES and ISSUE DATES through January 28, 2011

ISSUE DATE	Emergency and Proposed Regulations* 5 p.m.	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
October 22**	October 4	October 13	October 8
November 5**	October 18	October 26	October 25
November 19**	November 1	November 9	November 8
December 3**	November 15	November 19	November 18
December 17	November 29	December 8	December 6
January 3***	December 13	December 20	December 17
January 14	December 27	January 5	January 3
January 28**	January 10	January 19	January 14

* Due date for documents containing 8 to 18 pages—48 hours before date shown

Due date for documents exceeding 18 pages—1 week before date shown

NOTE: ALL DOCUMENTS MUST BE SUBMITTED IN TIMES NEW ROMAN, 9-POINT, SINGLE-SPACED FORMAT. THE REVISED PAGE COUNTS REFLECT THIS FORMATTING REQUIREMENT.

** Note closing date changes

*** Note issue date change

The regular closing date for Proposals and Emergencies is Monday.

REGULATIONS CODIFICATION SYSTEM

Under the COMAR codification system, every regulation is assigned a unique four-part codification number by which it may be identified. All regulations found in COMAR are arranged by title. Each title is divided into numbered subtitles, each subtitle is divided into numbered chapters, and each chapter into numbered regulations.

09.12.01.01D(2)(c)(iii)
 Title Subtitle Chapter Regulation Subsection Paragraph Subparagraph

A regulation may be divided into lettered sections, a section divided into numbered subsections, a subsection divided into lettered paragraphs, and a paragraph divided into numbered subparagraphs.

Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

This table, previously printed in the Maryland Register lists the regulations, by COMAR title, that have been adopted, amended, or repealed in the Maryland Register since the regulations were originally published or last supplemented in the Code of Maryland Regulations (COMAR). The table is no longer printed here but may be found on the Division of State Documents website at www.dsd.state.md.us.

Table of Pending Proposals

The table below lists proposed changes to COMAR regulations. The proposed changes are listed by their COMAR number, followed by a citation to that issue of the Maryland Register in which the proposal appeared. Errata pertaining to proposed regulations are listed, followed by “(err)”. Regulations referencing a document incorporated by reference are followed by “(ibr)”. None of the proposals listed in this table have been adopted. A list of adopted proposals appears in the Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed.

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07 DEPARTMENT OF HUMAN RESOURCES

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07.02.07.19 • 37:20 Md. R. 1406 (09-24-10)

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07.03.17.02, .15, .23, .45, .49, .60 • 37:18 Md. R. 1220 (8-27-10)

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09.26.02.04 • 37:21 Md. R. 1440 (10-8-10)

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26.04.04 • 36:23 Md. R. 1819 (11-6-09) (err)
 26.04.04.01—.39 • 36:22 Md. R. 1765 (10-23-09)
 36:25 Md. R. 1971 (12-4-09)
 26.04.11.01—.10 • 37:5 Md. R. 442 (2-26-10)
 26.05.02.10 • 37:2 Md. R. 103 (1-15-10)

Subtitles 08 — 12 (Part 2)

26.08.02.03-2,.03-3,.04-1,.05-1,.08 • 37:19 Md. R. 1309 (9-10-10)
 (ibr)
 26.10.04.01 • 35:21 Md. R. 1851 (10-10-08)
 26.11.19.06 • 37:14 Md. R. 964 (7-2-10)
 26.11.19.11 • 37:14 Md. R. 966 (7-2-10)
 26.12.01.01 • 37:18 Md. R. 1242 (8-27-10)
 37:18 Md. R. 1243 (8-27-10)
 26.12.02.02 • 37:18 Md. R. 1243 (8-27-10)

Subtitles 13—18 (Part 3)

26.14.02.02, .02-1, .02-2, .02-3 • 36:22 Md. R. 1782 (10-23-09)
 26.17.01.01 • 37:19 Md. R. 1329 (9-10-10) (err)
 26.17.01.01—.11 • 37:18 Md. R. 1244 (8-27-10)
 26.17.01.09 • 37:19 Md. R. 1329 (9-10-10) (err)

**27 CRITICAL AREA COMMISSION FOR THE
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

27.01.01.01 • 37:17 Md. R. 1195 (8-13-10)
 27.01.02.04 • 37:17 Md. R. 1195 (8-13-10)
 27.01.05.01 • 37:17 Md. R. 1195 (8-13-10)

29 MARYLAND STATE POLICE

29.06.06.01—.07 • 36:20 Md. R. 1554 (9-25-09)

**30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL
SERVICES SYSTEMS (MIEMSS)**

30.03.02.02 • 37:8 Md. R. 652 (4-9-10)
 30.03.09.01—.03 • 37:8 Md. R. 652 (4-9-10)
 30.08.01.02 • 37:18 Md. R. 1251 (8-27-10)
 30.08.12.01—.15 • 37:18 Md. R. 1251 (8-27-10)

31 MARYLAND INSURANCE ADMINISTRATION

31.10.06.13,.28,.30 • 37:19 Md. R. 1324 (9-10-10)
 31.10.12.02,.03,.05—.08 • 37:21 Md. R. 1457 (10-8-10)
 31.11.06.02,.03-1,.04,.05,.09,.11 • 37:21 Md. R. 1460 (10-8-10)

34 DEPARTMENT OF PLANNING

34.04.02.05,.07 • 37:17 Md. R. 1196 (8-13-10)

The Judiciary

COURT OF APPEALS OF MARYLAND

SCHEDULE

Thursday, November 4, 2010

Bar Admissions

AG 5 Attorney Grievance Commission of Maryland v. John Michael Coppola
AG 6 Attorney Grievance Commission of Maryland v. David E. Fox
(2009 T.)
Misc. 3 Katherine M. Lewis v. Jeremy P. Waletzky
No. 30 State of Maryland v. Jason Mayers
No. 35 Prince George's County, Maryland, et al. v. Keith Longtin

Friday, November 5, 2010

AG 30 & Attorney Grievance Commission of Maryland v. Katrice Selena Stinson
70 (2009 T.)
Misc. 4 Scotch Bonnett Realty Corporation v. Cateania Matthews et al.
No. 32 Matthew Wayne Tracy v. State of Maryland
No. 41 Maryland Department of State Police v. Maryland State Conference of NAACP Branches

Monday, November 8, 2010

AG 47 Attorney Grievance Commission of Maryland v. Leonard Jerome Sperling
(2009 T.)
No. 28 Sonja D. Bates v. Edward S. Cohn, et al.
No. 33 Paul Andrew Tatem v. State of Maryland
No. 39 Scapa Dryer Fabrics, Inc., et al. v. Carl L. Saville

Tuesday, November 9, 2010

AG 26 Attorney Grievance Commission of Maryland v. Sirina Sucklal
(2009 T.)
No. 31 Matthew C. Thomas v. Motor Vehicle Administration
No. 37 John Menefee, et al. v. State of Maryland
No. 40 Carole M. Fagnani, et al. v. Jeffrey B. Fisher, et al., Substitute Trustees

On the day of argument, counsel are instructed to register in the Clerk's Office not later than 9:30 a.m. unless otherwise notified.

After November 9, 2010, the Court will recess until December 2, 2010.

BESSIE M. DECKER
Clerk

[10-21-30]

DISCIPLINARY PROCEEDINGS

This is to certify that by Opinion and Order of this Court dated September 20, 2010, **TIMUR ZIYA EDIB**, 200A Monroe Street, Suite 115, Rockville, MD 20850, has been reprimanded.

* * * * *

This is to certify that the name of **JEFFREY KEITH GORDON**, 5706 Sam Houston Circle, Austin, TX 78731, has been replaced upon the register of attorneys in this Court as of September 20, 2010.

Notice of this action is certified in accordance with Maryland Rule 16-781(1).

[10-21-37]

COURT OF SPECIAL APPEALS

SCHEDULE FOR NOVEMBER 1, 3, 4, 5, 8, 9, 10, 12, 15, 16, 17, 2010

Monday, November 1, 2010

Courtroom No. 1

No. 01517/09 M E M C Electronic Materials, Inc. et al. vs. BP Solar International, Inc.
No. 01431/09 Madhuker Ohal vs. Robert Dejter et al.
No. 01604/09 Glenn Mostow vs. Charles R. Tilghman, Jr.
No. 01589/09 Christopher Oktavec et ux. vs. Ray Rohde et al.
No. 01434/09 United Stationers Supply Co. et al. vs. Joyce A. Sank
No. 01694/09 Ronald D. Thieret vs. Sabrina M. Buck

Courtroom No. 2

No. 02350/09 Deane J. Allen et al. vs. Sharon J. Ritter, Esquire, Successor Personal Representative of the Estate of Roy Harry Allen
No. 01794/09 State Wide Septic Tank Service t/a State Wide Septic & Backhoe vs. Covington Properties
No. 01292/09 Kelly Canavan et al. vs. County Council of Prince George's County, sitting as the District Council
No. 01283/09 Brent Wendell Smith vs. Apollo Consulting Group, LLC
No. 01284/09 Reliable Contracting Company, Inc. vs. Gary E. Davis et ux.

Wednesday, November 3, 2010

Courtroom No. 1

No. 02845/09 David Bartholomew Befacchia vs. State of Maryland
No. 00704/09** Bernard R. Kropfelder, Jr. vs. Christine B. Kropfelder
No. 02767/09** Bernard K. Kropfelder, Jr. vs. Christine B. Kropfelder
No. 01294/09 David Wingate vs. Tyra Holland
No. 02004/09 Leonel Martinez vs. State of Maryland

**Consolidated Cases

Courtroom No. 2

No. 01779/09 Environmental Integrity Project et al. vs. Mirant MD Ash Management, LLC et al.
No. 01303/09 Martin Edgar Greiner, Jr. vs. Eastern Correctional Institution et al.
No. 00521/09 Cheryl Lanham Hannon vs. Kevin Rene Hannon
No. 01713/09 Bertha Orozco Garcia et al. vs. Gonzalez Framing & Carpentry, Inc. et al.
No. 02078/09 TPC at Avenel, Inc. et al. vs. East Coast Flooring, Inc.
No. 01991/09 Guisepina Muti et al. vs. University of Maryland Medical systems Corporation

Thursday, November 4, 2010

Courtroom No. 1

No. 01639/09 Anthony Dzikowski vs. State of Maryland
 No. 00267/09 James Eldridge vs. State of Maryland
 No. 00558/10* In Re: Adoption/Guardianship of Jayla N., Shadiamond N. and Cierra
 No. 02032/09 Montgomery County, Maryland vs. Tammy Jaramillo
 No. 02005/09 Adewale Adeyeye vs. State of Maryland
 *8-207(a)

Courtroom No. 2

No. 01749/09 Charles Y. Kim vs. Maryland State Board of Physicians
 No. 01341/09 Christopher A. Bacote vs. State of Maryland
 No. 00882/10* In Re: Gabrielle C.
 No. 01231/09 Robert M. Hartman vs. Penelope J. Hartman
 No. 01949/09 People's Insurance Counsel Division vs. Allstate Insurance Company et al.
 No. 01594/09 Timothy Christen vs. Calvert Memorial Hospital et al.
 *8-207(a)

Friday, November 5, 2010

Courtroom No. 1

No. 00766/09 Bruce L. Pitt vs. Richard Wayne Seiss
 No. 01708/09 Michelle D'Aoust vs. Cindy Diamond et al.
 No. 01663/09 Anton D. Powell vs. State of Maryland
 No. 01699/09 R&D 2001, LLC. et al vs. Douglas Rice et al.
 No. 01765/09 Dennis E. Fink, Jr. vs. Maryland Correctional Institute Hagerstown et al.

Courtroom No. 2

No. 01253/09 Maryland-National Capital Park and Planning Commission vs. Michelle Latimer
 No. 00335/10* In Re: Kaliq J.
 No. 01820/09 In Re: Jeremy P.
 No. 02025/09 Rachelle Tankeu vs. Washington Metropolitan Area Transit Authority
 No. 00782/09 Frank R. Drefs vs. Property Owners Association of the Chesapeake Ranch Estates, Inc.
 No. 01697/09 Teresa Lynn Godwin vs. David Ottis Godwin, Jr.
 *8-207(a)

Monday, November 8, 2010

Courtroom No. 1

No. 01712/09 Tamara Rodgers vs. James S. Rodgers
 No. 02944/08 Bruce T. Lee vs. Jane T. Lee
 No. 01429/09 Paulinus Okonkwo et al. vs. AKS Properties et al.
 No. 01547/09 Gaetano Lovero vs. Joelma Da Silva
 No. 01479/09 Kim Lee Hargett vs. State of Maryland

Courtroom No. 2

No. 02833/09 Jamal Logan vs. LSP Marketing Corporation et al.
 No. 01092/09 Shore Lands, LLC et al. vs. Dixie Construction Co., Inc.
 No. 01907/09 Lincoln Miller vs. State of Maryland
 No. 00995/09 Anders Bjorgung vs. Joan Ellis
 No. 01625/09 Clint Robert Bolling vs. State of Maryland

Tuesday, November 9, 2010

Courtroom No. 1

No. 01414/09 Larry A. Nichols, Sr. et ux. vs. Dennis Dale Trice et al.
 No. 00964/10* In Re: Adoption/Guardianship of Jahvonte C. a/k/a Javonte C.
 No. 01923/09 Abraham P. Holbrook vs. State of Maryland
 No. 00973/09 U. K. Construction & Management, LLC. vs. Lawrence D. Robinson
 No. 01392/09 Joel T. Pautsch vs. Maryland Real Estate Commission
 No. 01475/09 Keah Wooden vs. State of Maryland
 *8-207(a)

Courtroom No. 2

No. 01588/09 Barbara Vines vs. Settlement, Escrow & Abstract Solutions, Inc. t/a Settlement Solutions et al.
 No. 01597/09 Kim M. Callwood vs. Denise Cherington t/a 3D Construction
 No. 01400/09 William J. Collins vs. Wachovia Bank, N.A.
 No. 00699/09 Jones & Associates, P.C. vs. Blank Rome, LLP
 No. 01403/09 Leonard Fletcher et ux. vs. Citizens Bank of Pennsylvania
 No. 01450/09 David N. vs. St. Mary's County Department of Social Services

Wednesday, November 10, 2010

Courtroom No. 1 — University of Maryland School of Law

No. 01423/09 Thomas E. Mazerski vs. Mobilepro Corporation et al.
 No. 01374/09 Ramon Ruiz-Eguren vs. State of Maryland
 No. 01871/09 John Robert Furbush vs. State of Maryland
 No. 00322/09 Susan Joan Griffin vs. State of Maryland
 No. 01436/09 Tyree James Green vs. BHP Patriots Limited Partnership et al.
 No. 00668/10* In Re: Sofia A., Kevin A. and Gabriela G.
 *8-207(a)

Friday, November 12, 2010

Courtroom No. 1

No. 02836/09 George Wasserman and Janice Wasserman Goldsten Family Limited Liability Company et al. vs. Jack Kay et al.
 No. 00974/09 Hawthorne Carpenter, Jr. et ux. vs. Bywood Lane, LLC.
 No. 00963/10* In Re: Adoption/Guardianship of Marcel W.
 No. 01425/09 Julie Lang vs. Zion Levi
 No. 00563/09 Kevin Williams vs. WMATA et al.
 No. 01861/09 Harold William Purnell et al. vs. Beard & Bone, LLC
 *8-207(a)

Monday, November 15, 2010

All cases submitted on brief

Courtroom No. 1

No. 00713/09 Lunique Estime vs. Fairfax F. King et al.
 No. 01598/09 John C. Dodd, III vs. Semmes, Bowen & Semmes
 No. 02066/09 Telvon Taylor vs. State of Maryland
 No. 01668/09 Andrew Philip Elliott vs. State of Maryland
 No. 01485/09 Steven L. Wyn a/k/a Steven Wynn vs. State of Maryland
 No. 00669/10* In Re: Sarah M.

THE JUDICIARY

1430

No. 01573/09 Charles Edward Walton vs. State of Maryland
 No. 01612/09 Alexander Sasha Malutin vs. State of Maryland
 No. 01617/09 Donald Cornealious Thomas vs. State of Maryland
 No. 01618/09 Avar Cornell Tunstall vs. State of Maryland
 No. 01619/09 Jesse Steve Stevenson vs. State of Maryland

*8-207(a)

Courtroom No. 2

No. 02488/08** Andrelle Laree Wiley vs. Jerry Jaffe et al.
 No. 01583/09** Andrelle Laree Wiley vs. Jerry Jaffe et al.
 No. 00598/09** Andrelle Laree Wiley vs. Jerry Jaffe et al.
 No. 01008/09 Scott M. Langert vs. Ronald Ogens et al.
 No. 00402/09 Derek Norvell Jarvis vs. State of Maryland
 No. 01228/08 Joseph Lafontant vs. State of Maryland
 No. 02258/09 Kingsley Asafoagye vs. State of Maryland
 No. 01889/09 Emanuel Dion Grantham vs. State of Maryland
 No. 01890/09 Reginald Delonte Massey vs. State of Maryland
 No. 01817/09 Leconnie Williams vs. State of Maryland
 No. 01819/09 Aaron Eugene Hare vs. State of Maryland
 No. 01821/09 In Re: Tyquan B.
 No. 01823/09 Stefan Valenti Mosley vs. State of Maryland

**Consolidated Cases

Tuesday, November 16, 2010

All cases submitted on brief

Courtroom No. 1

No. 01986/09 Erin Gilland Roby vs. Maryland State Motor Vehicle Administration et al.
 No. 01834/09 James A. Unger vs. Nancy Lee Sesler f/k/a Nancy Lee Unger
 No. 01775/09 Lawrence Shombert vs. Jalaine Shombert
 No. 02350/08 Gary Leonce Qualo a/k/a Ralph Jerry Colas vs. State of Maryland
 No. 01683/09 Tyrone T. Conway vs. State of Maryland
 No. 00898/10* In Re: Tynika F.
 No. 01721/09 Barry Praileau vs. State of Maryland
 No. 01743/09 Mark Johnson vs. State of Maryland
 No. 01769/09 Joseph A. Simms vs. State of Maryland
 No. 01882/09 Lennell Vernon Boone vs. State of Maryland
 No. 01886/09 Richard Morris Melton vs. State of Maryland
 No. 01895/09 Jerel Hunter vs. State of Maryland

*8-207(a)

Courtroom No. 2

No. 00791/09 Anthony Brown vs. Roderick Sowers, Warden
 No. 01093/09 Sharon Galloway vs. J. Edward Martin et al.
 No. 00391/09 Anita Michael et al. vs. J.D. Excavating, LLC et al.
 No. 02569/08 Khan G. Williams vs. State of Maryland
 No. 01067/09 Wilfredo Romero et ux. vs. NVR, Inc. t/a NV Homes et al.
 No. 03005/08 Charles David Richardson, IV vs. State of Maryland
 No. 00315/09 Michele Lynn Bosley vs. State of Maryland
 No. 00849/09 Marvin Lee Jones vs. State of Maryland
 No. 01011/09 Richard Allen Richardson vs. State of Maryland
 No. 01118/09 William Jones vs. State of Maryland
 No. 01136/09 Marlow Williams vs. State of Maryland

Wednesday, November 17, 2010

All cases submitted on brief

Courtroom No. 1

No. 01424/09 William L. Bourne vs. Arnold F. Parker et al.
 No. 01640/09 Marion S. Blades vs. Norman C. Blades, Jr.
 No. 01239/09 Sylvia Hill-Gilchrist vs. Lyonswood Homeowners Association
 No. 01942/09 Steven Stukes vs. State of Maryland
 No. 00714/10* In Re: Kenneth B.**
 No. 00715/10* In Re: Alysha B.**
 No. 01964/09 Clarence Columbus Jackson vs. State of Maryland
 No. 01999/09 Carlos Ovalle vs. State of Maryland
 No. 02001/09 Jeffrey F. Jackson vs. State of Maryland
 No. 02206/09** Dalton Dove vs. State of Maryland
 No. 00147/10** Dalton Dove vs. State of Maryland
 No. 01373/09 Therrell D. Fortune vs. State of Maryland
 No. 01872/09 Neville B. Rankin vs. State of Maryland

*8-207(a)

**Consolidated Cases

Courtroom No. 2

No. 00105/09 Art Richardson vs. Patricia Anne Richardson
 No. 01051/09 Lisa M. Cox et al. vs. Toby Kinnett et al.
 No. 02014/09 Angela Thompson vs. David Entwistle
 No. 01484/09 Lamont Whitby vs. State of Maryland
 No. 01166/09 Darius Hester vs. State of Maryland
 No. 01257/09 Luis Antonio Onton-Almidon vs. State of Maryland
 No. 00947/09 Emily D.F. Butler vs. State of Maryland
 No. 01310/09 Geary Alan Cox vs. State of Maryland
 No. 01347/09 Donald Bruce Mills vs. State of Maryland
 No. 01382/09 Jesse Lee Talbott vs. State of Maryland
 No. 01389/09 Roger Cox vs. State of Maryland

On the day of argument, counsel are instructed to register in the Office of the Clerk **not later than 9 a.m.** The Court is located at 361 Rowe Boulevard, in the Robert C. Murphy Courts of Appeals Building. After November, 2010, the Court will recess until December, 2010.

ADMINISTRATIVE ORDER

Pursuant to Maryland Rule 8-522(a), I hereby direct that oral argument in the month of November be limited to 20 minutes per side, subject to the discretion of the hearing panel to allow additional argument, not exceeding a total of 30 minutes per side.

This directive applies only to cases scheduled in November, 2010.

Chief Judge's signature appears on original Administrative Order

Dated: September 24, 2010

LESLIE D. GRADET
 Clerk

[10-21-42]

ADMINISTRATIVE OFFICE OF THE COURTS

ADMINISTRATIVE MEMORANDUM 10-4

ADMINISTRATIVE REGULATION XIX CIVIL COST SCHEDULE

By direction of Chief Judge Robert M. Bell, and for the information and guidance of all concerned, the attached notice is published for the purpose of advising of the revision to the District Court Administrative Regulation to become effective October 1, 2010. The attached revision has been adopted by the Chief Judge of the District Court.

Frank Broccolina
State Court Administrator

September 15, 2010

NOTICE

Under the authority of Courts Article §7-301 of the Maryland Code, certain District Court Civil Cost Schedule has been revised and will be in force and effective October 01, 2010. Printed herewith are the revisions to DCAR XIX.

Ben C. Clyburn
Chief Judge
District Court of Maryland

October 1, 2010

IMPORTANT NOTICE

District Court Administrative Regulation XIX — Civil Costs

In all civil cases, except those noted below, the required costs, including the fee for service of process, shall be paid at the time the complaint, writ, petition, or request is filed.

Exceptions:

- (1) The State of Maryland and officers, agencies, and departments thereof shall not be taxed costs in any District Court proceeding.
- (2) Advance payment of costs shall not be required in a case in which the plaintiff/petitioner is represented by counsel paid through JUDICARE; provided by Maryland Legal Aid Bureau, Inc.; or retained through a pro bono or legal services program that is recognized by Maryland Legal Services Corporation if the program provides the clerk with a memorandum that names the program, attorney(s) and client(s) and that specifies that representation is being provided for client(s) meeting the financial eligibility criteria of the corporation.

- (3) Advance payment of costs shall not be required in a case filed by a county or municipality of the State of Maryland.

In any civil case in which no advance costs have been paid, the Court shall allow costs in favor of the prevailing party.

If the judgment creditor is the prevailing party, he shall, upon being paid all amounts due, including costs, furnish to the judgment debtor and file with the clerk a written statement (order of satisfaction) that the judgment has been satisfied. The clerk shall not accept the order for filing unless the costs are tendered with it.

If the judgment debtor is the prevailing party, the clerk shall bill the plaintiff for all costs, except no payment is required by the State of Maryland.

The attached schedule is hereby adopted as the costs to be paid for all proceedings in any civil case in the District Court.

REFUNDS

Except as provided by statute, a charge, cost, or fee is not refundable. Overpayment refunds of \$5 or less will not be processed unless the individual due the refund makes a request in writing, in person, or by telephone.

If the Sheriff is unable to serve a paper, 50% of the service fee shall be refunded to the party requesting the service and if the Sheriff is unable to serve Summary Ejectment papers, the full fee shall be refunded to the party requesting the service.

BAD CHECKS

An additional \$10 service fee will be imposed for each dishonored check.

GENERAL INFORMATION

A MAXIMUM OF TWENTY (20) CIVIL CASE FILINGS, PER CHECK, WILL BE ACCEPTED FROM ATTORNEYS AND OTHER INTERESTED PARTIES.

A MAXIMUM OF TWENTY (20) LANDLORD/TENANT FILINGS WILL BE ACCEPTED FROM ATTORNEYS AND OTHER INTERESTED PARTIES PER CREDIT CARD TRANSACTION.

In correspondence with the court, including inquiries, motions, and pleadings:

Please include the case number and trial date. This information should also appear on the envelope in which papers are mailed to the court, so that priority matters may be expeditiously handled. The address for service should include apartment number (if there is a number), zip codes as part of the address, and county. "P.O." is not appropriate when requesting service. Positive identification of all motor vehicles to be seized is required, including make and model. A copy of title must be submitted. All liens must be shown in order that value may be determined.

THE JUDICIARY

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If service of process is to be made on the:

STATE DEPARTMENT OF ASSESSMENTS AND TAXATION, an additional \$50 fee is required. A check or money order should be made payable to the State Department of Assessments and Taxation. All county and Baltimore City governmental agencies are exempt from this fee. (This agency requires two copies of each paper for each defendant to be served);

MARYLAND INSURANCE ADMINISTRATION, an additional \$15 fee is required. A check or money order should be made payable to the Maryland Insurance Administration. (This agency requires two copies of each paper for each defendant to be served.)

DISTRICT COURT OF MARYLAND COST SCHEDULE

	<u>FILING FEE</u>	<u>SERVICE FEE</u> (See Footnote)
<u>Complaint in Small Claims Actions:</u>		
Contract - Tort (new suit).....	\$28.00*	(a)
Counter Claim.....	\$18.00*	(a)
Cross Claim.....	\$18.00*	(a)
Third Party Claim.....	\$18.00*	(a)
<u>Complaint in Large Claims Actions:</u>		
Contract - Tort (new suit).....	\$38.00*	(a)
Counter Claim.....	\$28.00*	(a)
Cross Claim.....	\$28.00*	(a)
Third Party Claim.....	\$28.00*	(a)
<u>Additional Pre Judgment Filings:</u>		
Attachment Before Judgment.....	\$38.00*	(a)
Confessed Judgment.....	\$38.00*	(a)
Detinue.....	\$38.00*	(a)
Grantee Suit for Possession.....	\$38.00*	(a)
Interpleader.....	\$28.00*	(a)
Petition for Show Cause (per defendant).....	\$10.00	(a)
Renewal Show Cause.....	\$5.00	(a)
Renewal Confess Judgment.....	\$5.00	(a)
Renewal Summons.....	\$5.00	(a)
Replevin - Show Cause.....	\$38.00*	(a)
Replevin - Writ (final hearing).....	----	(b)
Subpoena (witness).....	----	(a)
<u>Landlord Tenant Filings:</u>		
Summary Ejectment (all counties except Baltimore City).....	\$12.00*	\$5.00 for each tenant of record
Summary Ejectment Baltimore City.....	\$16.00*	\$5.00 for each location, additional fee of \$5.00 for each tenant for whom personal service is requested
Distress & Show Cause.....	\$28.00*	(a)
	If amount of rent is \$500 or less; add \$5.00 for each additional \$500 rent	
Breach of Lease.....	\$38.00*	(b)
Distress Order of Levy.....	\$5.00	(b)
Injunction.....	\$38.00*	(a)
Recording Summary Ejectment Money Judgment.....	\$10.00	
Reissue Distress & Show Cause Order.....	\$2.00	
<u>Rent Escrow (not judge ordered).....</u>	<u>\$28.00*</u>	<u>(b)</u>
Tenant Holding Over.....	\$38.00*	(b)
Warrant of Restitution.....	----	(b) per case
Wrongful Entry & Detainer.....	\$38.00*	(b)

	<u>FILING FEE</u>	<u>SERVICE FEE</u> (See Footnote)
<u>Post Judgment Filings:</u>		
Appeal.....	\$10.00 (plus \$135.00 made payable to Circuit Court)	
Assignment of Judgment.....	\$10.00	
Assignment of Wages.....	\$28.00*	(a)
Body Attachment.....	----	(b)
Notice of Lien.....	----	
	(\$15.00 made payable to Circuit Court)	
Request for Oral Exam (per defendant).....	\$10.00	(a)
Oral Exam Renewal (per defendant).....	\$5.00	(a)
Recordation of Foreign Judgment.....	\$43.00*	
Renewal of Judgment.....	\$10.00	
Request for Certification of Judgment Under Act of Congress (Triple Seal).....	\$10.00	
Request for Writ of Execution or Possession..... (Service fee also applies to Execution issued in Attachment before Judgment)	\$10.00	(b)
Request for Writ of Garnishment Other than Wages..... (Service fee also applies to Garnishment issued in Attachment before Judgment)	\$10.00	(a)
Request for Writ of Garnishment of Wages..... (Service fee also applies to Garnishment issued in Attachment before Judgment)	\$10.00	(a)
Transmittal of Certified Copy of Judgment.....	\$10.00	
<u>Domestic Violence - Peace Order Filings:</u>		
Domestic Violence - filing, service, recordation of foreign judgment or appeal.....	no fee	
Temporary Peace Order.....	\$38.00*	(c)
<u>Other charges (clerical):</u>		
Photocopies.....	\$0.50 per page	
Computer printouts.....	\$0.50 per page	
Certification of Copies (DC 33).....	\$5.00 per request (plus photocopy fee)	
Transcripts.....	\$75.00 deposit & \$3.00 per page for original & 1 copy	
Recordings.....	\$15.00 per case	
Petition for Expungement (excluding cases with verdict of acquittal).....	\$30.00	
Petition to Extend Time/Strike Bond Forfeiture.....	\$25.00	
Petition to Remit Bond Forfeiture.....	\$25.00	
Motion for Allowance of Expenses after Voluntary Surrender	\$25.00	

*Includes MD Legal Services Corporation Fund Surcharge \$18 - New Civil Filings \$8 - Summary Ejectment Cases

SERVICE FEES

Sheriff Service, make payable to the Sheriff's Office. (*Exceptions:* In Baltimore City, checks to Sheriff must be made payable to Director of Finance. In Harford County, checks to Sheriff must be made payable to Harford County.) Constable Service, make check payable to the District Court.

- (a) Fee if served by Sheriff/Constable is \$40 for each defendant or address.
Fee if mailed by clerk is \$10 for each defendant or address.
- (b) Sheriff/Constable service required by law. Fee is \$40 for each defendant.
- (c) Fee if served by Sheriff is \$40 for each defendant or address.
- (d) Fee if served by Sheriff is \$60 for each defendant or address for service of paper originating from a foreign court.

DCA 109 (Rev. [7/2010] 10/2010)

Regulatory Review and Evaluation

Regulations promulgated under the Administrative Procedure Act will undergo a review by the promulgating agency in accordance with the Regulatory Review and Evaluation Act (State Government Article, §§10-130 — 10-139; **COMAR 01.01.2003.20**). This review will be documented in an evaluation report which will be submitted to the General Assembly's Joint Committee on Administrative, Executive, and Legislative Review. The evaluation reports have been spread over an 8-year period (see **COMAR 01.01.2003.20** for the schedule). Notice that an evaluation report is available for public inspection and comment will be published in this section of the Maryland Register.

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Notice of Availability of Evaluation Reports

Pursuant to Executive Order 01.01.2003.20, Implementation of the Regulatory Review and Evaluation Act, notice is hereby given that the Evaluation Reports concerning COMAR 10.37, 10.38, and 10.41—10.44 are available for public inspection and comment for a period of 60 days following the date of this notice.

These reports may be reviewed at the Office of Regulations Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, Maryland 21201, Monday through Friday, 7 a.m. to 4 p.m., except State holidays, or online at www.dhmd.state.md.us/regs/html/evalrpt.htm.

Information may be obtained by contacting Michele Phinney at (410) 767-6499 or regs@dhmd.state.md.us.

[10-21-27]

Title 12

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Notice of Availability of Evaluation Report

Pursuant to State Government Article, §10-135(b)(1), Annotated Code of Maryland, Implementation of the Regulatory Review and Evaluation Act, and Executive Order 01.01.2003.20, notice is hereby given that the Evaluation Report regarding COMAR Title 12 Department of Public Safety and Correctional Services; Subtitle 13 Division of Parole and Probation and Subtitle 14 Commission on Correctional Standards, is available for public inspection and comment for a period of 60 days following the date of this notice.

This report may be reviewed by appointment at the Department of Public Safety and Correctional Services, 300 E. Joppa Road, Suite 400B, Towson, Maryland 21286, Monday through Friday, 8:30 a.m. to 4:30 p.m., except holidays.

Information may be obtained by contacting George Hall, Regulations Coordinator, at 410-339-5000.

[10-21-36]

Emergency Action on Regulations

Symbol Key

- Roman type indicates text existing before emergency status was granted.
- *Italic type* indicates new text.
- [Single brackets] indicate deleted text.

Emergency Regulations

Under State Government Article, §10-111(b), Annotated Code of Maryland, an agency may petition the Joint Committee on Administrative, Executive, and Legislative Review (AELR), asking that the usual procedures for adopting regulations be set aside because emergency conditions exist. If the Committee approves the request, the regulations are given emergency status. Emergency status means that the regulations become effective immediately, or at a later time specified by the Committee. After the Committee has granted emergency status, the regulations are published in the next available issue of the Maryland Register. The approval of emergency status may be subject to one or more conditions, including a time limit. During the time the emergency status is in effect, the agency may adopt the regulations through the usual promulgation process. If the agency chooses not to adopt the regulations, the emergency status expires when the time limit on the emergency regulations ends. When emergency status expires, the text of the regulations reverts to its original language.

Title 08

DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.05 Fish

Authority: Natural Resources Article, §4-215, Annotated Code of Maryland

Notice of Emergency Action

[10-293-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .21 under **COMAR 08.02.05 Fish**.

Emergency status began: September 15, 2010.

Emergency status expires: March 11, 2011.

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Economic Impact on Small Businesses

The emergency action has minimal or no economic impact on small businesses.

.21 Black Sea Bass.

A. Recreational.

(1) — (2) (text unchanged)

(3) Season. The recreational season for catching black sea bass is [January 1 through December 31] *May 22 through October 11 and November 1 through December 31.*

B. — E. (text unchanged)

JOHN R. GRIFFIN
Secretary of Natural Resources

Title 11

DEPARTMENT OF TRANSPORTATION

Subtitle 15 MOTOR VEHICLE ADMINISTRATION — VEHICLE REGISTRATION

11.15.34 Salvage Vehicle Calculation

Authority: Transportation Article, §§12-104(b) and 13-506, Annotated Code of Maryland

Notice of Emergency Action

[10-275-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to new Regulations .01 and .02 under **COMAR 11.15.34 Salvage Vehicle Calculation**.

Emergency status began: October 1, 2010.

Emergency status expires: March 29, 2010.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 37:20 Md. R. 1412—1413 (September 24, 2010), referenced as [10-275-P].

JOHN T. KUO
Administrator
Motor Vehicle Administration

Final Action on Regulations

Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- Single underline, italic indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- [[Double brackets]] indicate text deleted at the time of final action.

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 26 BOARD OF ACUPUNCTURE

10.26.02 General Regulations

Authority: Health Occupations Article, §§1A-205, 1A-301, 1A-306, 1A-307, and 1A-316, Annotated Code of Maryland

Notice of Final Action

[10-218-F]

On September 16, 2010, the Secretary of Health and Mental Hygiene adopted amendments to Regulation **.07** under **COMAR 10.26.02 General Regulations**. This action, which was proposed for adoption in 37:16 Md. R. 1066—1067 (July 30, 2010), has been adopted as proposed.

Effective Date: October 18, 2010.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 17 MOTOR VEHICLE ADMINISTRATION—DRIVER LICENSING AND IDENTIFICATION DOCUMENTS

11.17.13 Point System: Definition of Moving Violation and Assessment of Points

Authority: Transportation Article, §§12-104(b) and 16-402, Annotated Code of Maryland.

Notice of Final Action

[10-222-F]

On September 14, 2010, the Administrator of the Motor Vehicle Administration adopted amendments to Regulation **.02** under **COMAR 11.17.13 Point System: Definition of Moving Violation and Assessment of Points**. This action, which was proposed for adoption in 37:16 Md. R. 1081—1082 (July 30, 2010), has been adopted as proposed.

Effective Date: October 18, 2010.

JOHN T. KUO
Administrator
Motor Vehicle Administration

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 11 MOTOR VEHICLE ADMINISTRATION — ADMINISTRATIVE PROCEDURES

11.11.01 Payment by Check

Authority: Transportation Article, §12-104(b), Annotated Code of Maryland; 42 U.S.C. §405(c)(2)(C)(i)

Notice of Final Action

[10-213-F]

On September 14, 2010, the Administrator of the Motor Vehicle Administration adopted amendments to Regulations **.01** and **.03** under **COMAR 11.11.01 Payment by Check**. This action, which was proposed for adoption in 37:16 Md. R. 1081 (July 30, 2010), has been adopted as proposed.

Effective Date: October 18, 2010.

JOHN T. KUO
Administrator
Motor Vehicle Administration

Title 13A STATE BOARD OF EDUCATION

Subtitle 04 SPECIFIC SUBJECTS

13A.04.17 Environmental Education

Authority: Education Article, §2-205(h), Annotated Code of Maryland

Notice of Final Action

[10-193-F]

On September 21, 2010, the Maryland State Board of Education adopted the repeal of existing Regulations **.01—****.04** and new Regulations **.01** and **.02** under **COMAR 13A.04.17 Environmental Education**. This action, which was proposed for adoption in 37:15 Md. R. 1015—1016 (July 16, 2010), has been adopted as proposed.

Effective Date: October 18, 2010.

NANCY S. GRASMICK
State Superintendent of Schools

Title 14 INDEPENDENT AGENCIES

Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY

Notice of Final Action

[10-238-F]

On September 28, 2010, the State Commission on Criminal Sentencing Policy adopted amendments to:

(1) Regulations **.07** and **.17** under **COMAR 14.22.01 General Regulations**; and

(2) Regulation **.02** under **COMAR 14.22.02 Criminal Offenses and Seriousness Categories**.

This action, which was proposed for adoption in 37:17 Md. R. 1192—1195 (August 13, 2010), has been adopted as proposed.

Effective Date: November 1, 2010.

DAVID A. SOULE
Executive Director
State Commission on Criminal Sentencing Policy

Title 15 DEPARTMENT OF AGRICULTURE

Subtitle 08 TURF AND SEED

15.08.04 Turf Grass Certification

Authority: Agriculture Article, §§9-102, 9103(3), and 9-202, Annotated Code of Maryland

Notice of Final Action

[10-223-F]

On September 15, 2010, the Secretary of Agriculture adopted amendments to Regulations **.02**, **.03**, **.05**, **.07**, **.08**, and **.10** — **.12** under **COMAR 15.08.04 Turf Grass Certification**. This action, which was proposed for adoption in 37:16 Md. R. 1086—1088 (July 30, 2010), has been adopted as proposed.

Effective Date: October 18, 2010.

EARL F. HANCE
Secretary of Agriculture

Subtitle 14 BOARD OF VETERINARY MEDICAL EXAMINERS

Notice of Final Action

[10-169-F]

On September 22, 2010, the State Board of Veterinary Medical Examiners adopted:

(1) Amendments to Regulation **.10** under **COMAR 15.14.01 Standards of Practice and Code of Ethics for the Practice of Veterinary Medicine in the State**;

(2) Amendments to Regulations **.03** and **.04** under **COMAR 15.14.11 Civil Penalty Standards for Veterinarians**; and

(3) New Regulations **.01**—**.07** under a new chapter, **COMAR 15.14.17 Requirements for Practical Training of Veterinary Students**.

This action, which was proposed for adoption in 37:13 Md. R. 910—913 (June 18, 2010), has been adopted as proposed.

Effective Date: October 18, 2010.

EARL F. HANCE
Secretary of Agriculture

Title 26 DEPARTMENT OF THE ENVIRONMENT

Subtitle 04 REGULATION OF WATER SUPPLY, SEWAGE DISPOSAL, AND SOLID WASTE

26.04.10 Management of Coal Combustion Byproducts

Authority: Environment Article, §§2-301, 9-252, 9-289, 9-302, 9-313, 9-314, 15-503, and 15-803, Annotated Code of Maryland

Notice of Final Action

[10-092-F]

On August 13, 2010, the Secretary of Environment adopted amendments to Regulation **.03** under **COMAR 26.04.10 Management of Coal Combustion Byproducts**. This action, which was proposed for adoption in 37:5 Md. R. 440—442 (February 26, 2010), has been adopted as proposed.

Effective Date: October 18, 2010.

SHARI T. WILSON
Secretary of the Environment

Title 30 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS (MIEMSS)

Notice of Final Action

[10-122-F]

On September 14, 2010, the Maryland Emergency Medical Services Board adopted:

(1) Amendments to Regulation **.02** under **COMAR 30.01.01 Definitions**;

(2) Amendments to Regulation **.01** under **COMAR 30.03.01 Definitions**;

(3) The repeal of existing Regulations **.04**, **.06**, and **.07** and new Regulations **.04** and **.06** under **COMAR 30.03.04 Quality Assurance**;

(4) Amendments to Regulation **.05** under **COMAR 30.08.04 Data Collection and Quality Management**;

(5) Amendments to Regulation **.02** under **COMAR 30.09.01 Definitions**;

(6) Amendments to Regulation **.06** under **COMAR 30.09.08 Record-Keeping and Submission Requirements**; and

(7) Amendments to Regulations **.02** and **.04** under **COMAR 30.09.11 ALS Service**.

This action, which was proposed for adoption in 37:8 Md. R. 650—652 (April 9, 2010), has been adopted with the nonsubstantive changes shown below.

Effective Date: November 1, 2010.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulation 30.03.04.04 D(2)(b) and E3(b): The changes provide for a separate effective date for these subsections.

30.03.04 Quality Assurance

Authority: Education Article, §13-516, Annotated Code of Maryland

.04 Maryland Ambulance Information System.

A.—C. (proposed text unchanged)

D. *EMS Documentation Delivered to the Receiving Facility.*

(1) (proposed text unchanged)

(2) *If a completed patient care report is not left at the health care facility, the transporting unit shall:*

(a) (proposed text unchanged)

(b) *[[Deliver]] After May 31, 2011, deliver the completed patient care report for the patient to the receiving facility not later than in 24 hours after transfer of care.*

E. *EMS Data Submitted to MIEMSS.*

(1)—(2) (proposed text unchanged)

(3) *If the EMS operational program records health care data electronically in a form other than EMAIS®:*

(a) (proposed text unchanged)

(b) *[[The]] After May 31, 2011, the EMS data shall be submitted to MIEMSS at least once every 24 hours to include all newly completed patient care reports.*

(4) (proposed text unchanged)

F.—I. (proposed text unchanged)

ROBERT R. BASS
State Emergency Medical Services Board

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 04 INSURERS

31.04.14 Life and Health Insurance Guaranty Corporation Coverage—Notice Requirements

Authority: Insurance Article, §§2-109 and 9-414, Annotated Code of Maryland

Notice of Final Action

[10-219-F]

On September 14, 2010, the Acting Insurance Commissioner adopted amendments to Regulation .03 under **COMAR 31.04.14 Life and Health Insurance Guaranty Corporation Coverage—Notice Requirements**. This action, which was proposed for adoption in 37:16 Md. R. 1089—1090 (July 30, 2010), has been adopted as proposed.

Effective Date: October 18, 2010.

ELIZABETH SAMMIS
Acting Insurance Commissioner

Subtitle 10 HEALTH INSURANCE— GENERAL

31.10.25 Required Standard Provisions for Individual Nonprofit Health Service Plan Contracts

Authority: Insurance Article, §12-203(g), Annotated Code of Maryland

Notice of Final Action

[10-077-F]

On September 14, 2010, the Acting Insurance Commissioner adopted amendments to Regulations .02 and .04 under **COMAR 31.10.25 Required Standard Provisions for Individual Nonprofit Health Service Plan Contracts**. This action, which was proposed for adoption in 37:4 Md. R. 376—377 (February 12, 2010) and repropoed in 37:16 Md. R. 1090—1091 (July 30, 2010), has been adopted as repropoed.

Effective Date: October 18, 2010.

ELIZABETH SAMMIS
Acting Insurance Commissioner

Subtitle 10 HEALTH INSURANCE— GENERAL

31.10.28 Individual Health Insurance Contracts—Standard Provisions and Exclusions

Authority: Insurance Article, §§2-109, 12-203(g), and 12-209(4), Annotated Code of Maryland

Notice of Final Action

[10-078-F]

On September 14, 2010, the Acting Insurance Commissioner adopted amendments to Regulation .02 and new Regulation .05 under **COMAR 31.10.28 Individual Health Insurance Contracts—Standard Provisions and Exclusions**. This action, which was proposed for adoption in 37:4 Md. R. 377 (February 12, 2010) and repropoed in 37:16 Md. R. 1091 (July 30, 2010), has been adopted as repropoed.

Effective Date: October 18, 2010.

ELIZABETH SAMMIS
Acting Insurance Commissioner

Subtitle 11 HEALTH INSURANCE— GROUP

31.11.10 Required Standard Provisions

Authority: Insurance Article, §12-203(g), Annotated Code of Maryland

Notice of Final Action

[10-080-F]

On September 14, 2010, the Acting Insurance Commissioner adopted amendments to Regulations .02 and .04 under **COMAR 31.11.10 Required Standard Provisions**. This action, which was proposed for adoption in 37:4 Md. R. 377—378 (February 12, 2010)

and repropose in 37:16 Md. R. 1091—1092 (July 30, 2010), has been adopted as repropose.

Effective Date: October 18, 2010.

ELIZABETH SAMMIS
Acting Insurance Commissioner

Subtitle 12 HEALTH MAINTENANCE ORGANIZATIONS; ENTITIES THAT ACT AS HEALTH INSURERS

31.12.07 Required Standard Provisions

Authority: Insurance Article, §12-203(g); Health-General Article, §19-713(f);
Annotated Code of Maryland

Notice of Final Action

[10-079-F]

On September 14, 2010, the Acting Insurance Commissioner adopted amendments to Regulations .02, .04, and .05 under **COMAR 31.12.07 Required Standard Provisions**. This action, which was proposed for adoption in 37:4 Md. R. 379 (February 12, 2010) and repropose in 37:16 Md. R. 1092—1093 (July 30, 2010), has been adopted as repropose.

Effective Date: October 18, 2010.

ELIZABETH SAMMIS
Acting Insurance Commissioner

Title 33 STATE BOARD OF ELECTIONS

Subtitle 01 DEFINITIONS; GENERAL PROVISIONS

33.01.06 Candidate Names

Authority: Election Law Article, §2-102(b)(4) and Title 5, Subtitle 3,
Annotated Code of Maryland

Notice of Final Action

[10-205-F]

On September 27, 2010, the State Board of Elections adopted new Regulations .01—.05 under a new chapter, **COMAR 33.01.06 Candidate Names**. This action, which was proposed for adoption in 37:15 Md. R. 1023—1024 (July 16, 2010), has been adopted as proposed.

Effective Date: October 18, 2010.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 13 CAMPAIGN FINANCING

33.13.06 Campaign Accounts

Authority: Election Law Article, §2-102(b)(4) and Title 13, Subtitle 2, Part IV,
Annotated Code of Maryland

Notice of Final Action

[10-204-F]

On September 27, 2010, the State Board of Elections adopted new Regulations .01—.05 under a new chapter, **COMAR 33.13.06 Campaign Accounts**. This action, which was proposed for adoption in 37:15 Md. R. 1024—1025 (July 16, 2010), has been adopted as proposed.

Effective Date: October 18, 2010.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 13 CAMPAIGN FINANCING

33.13.07 Authority Line Requirements; Electronic Media

Authority: Election Law Article, §2-102(b)(4) and Title 13, Subtitle 4, Part I,
Annotated Code of Maryland

Notice of Final Action

[10-206-F]

On September 27, 2010, the State Board of Elections adopted new Regulations .01—.05 under a new chapter, **COMAR 33.13.07 Authority Line Requirements; Electronic Media**. This action, which was proposed for adoption in 37:15 Md. R. 1025—1026 (July 16, 2010), has been adopted as proposed.

Effective Date: December 21, 2010.

LINDA H. LAMONE
State Administrator of Elections

Subtitle 17 EARLY VOTING

Notice of Final Action

[10-149-F]

On September 27, 2010, the State Board of Elections adopted amendments to:

(1) Regulations .01 and .03 under **COMAR 33.17.04 Early Voting Center Equipment and Materials**; and

(2) Regulation .02 under **COMAR 33.17.05 Election Judges**.

This action, which was proposed for adoption in 37:14 Md. R. 968—969 (July 2, 2010), has been adopted as proposed.

Effective Date: October 18, 2010.

LINDA H. LAMONE
State Administrator of Elections

Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Title 09

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 26 BOARD OF PILOTS

09.26.02 Pilots-in-Training, and Limited and Unlimited Licensed Pilots

Authority: Business Occupations and Professions Article, §§11-205, 11-403, and 11-406, Annotated Code of Maryland

Notice of Proposed Action

[10-295-P]

The Board of Pilots proposes to amend Regulation .04 under **COMAR 09.26.02 Pilots-in-Training, and Limited and Unlimited Licensed Pilots**. This action was considered by the Board of Pilots at a public meeting held June 11, 2010, notice of which was published in 37:11 Md. R. 783 (May 21, 2010), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to make the regulations consistent with the statute. Legislation became effective July 1, 2010, to increase the vessel drafts for limited licensed pilots to reflect the current maritime traffic situation. The vessel drafts were raised for each of the three limited licenses, and the amended regulation will reflect those changes.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Pamela J. Edwards, Assistant Executive Director, Board of Pilots, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6263, or email to pamedwards@dlr.state.md.us, or fax to 410-333-0021. Comments will be accepted through November 8, 2010. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Board of Pilots during a public meeting to be held on January 14, 2011, at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

.04 Raise in Grade of Limited Licensed Pilot.

A. A limited licensed pilot holding a license to pilot vessels not exceeding [28] 32 feet draft may apply for a license to pilot vessels not exceeding [34] 36 feet draft.

B. A limited licensed pilot holding a license to pilot vessels not exceeding [34] 36 feet draft may apply for a license to pilot vessels not exceeding [37] 40 feet draft.

C. — D. (text unchanged)

ROBERT B. SCHULMAN

Chairman

Board of Pilots

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 01 PROCEDURES

10.01.20 Nursing Facility Quality Assessment

Authority: Health-General Article, §19-301.1, Annotated Code of Maryland

Notice of Proposed Action

[10-285-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .03 under **COMAR 10.01.20 Nursing Facility Quality Assessment**.

Statement of Purpose

The purpose of this action is to increase the maximum assessment that may be collected to 4 percent of the operating revenue for all nursing facilities subject to the assessment, in accordance with legislation adopted during the 2010 session of the General Assembly.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

I. Summary of Economic Impact. Nursing Facility Quality Assessments will increase by \$44,892,149 during Fiscal Year 2011 under the provisions of the proposed amendment.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E)	
A. On issuing agency:	(R+)	\$44,892,149
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(-)	\$44,892,149
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. and D. Based upon a maximum assessment of 4 percent of the operating revenue for all nursing facilities subject to this assessment, 177 facilities will be assessed \$14.01 per day for 6,251,146 non-Medicare days of care, and 5 facilities will be assessed \$4.40 per day for 501,305 non-Medicare days of care, for a total assessment of \$89,784,297, half of which represents an increase from the previously allowed maximum.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, 201 W. Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to regs@dhhm.state.md.us, or fax to 410-767-6483. Comments will be accepted through November 8, 2010. A public hearing has not been scheduled.

.03 Collection of Nursing Facility Quality Assessment.

A.—D. (text unchanged)

E. [The] *Effective July 1, 2010*, the aggregated annual assessment collected under this chapter may not exceed [the lesser of:

(1) 2] 4 percent of the operating revenue for all nursing facilities subject to this assessment]; or

(2) The amount necessary to fully fund the Medicaid nursing facility payment system].

F. (text unchanged)

JOHN M. COLMERS

Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.04 Home Health Services

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

Notice of Proposed Action

[10-283-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .01—.07 under **COMAR 10.09.04 Home Health Services**.

Statement of Purpose

The purpose of this action is to remove specific COMAR references to mental health services and ensure that home health services are rendered by licensed home health agencies only.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499, or email to regs@dhhm.state.md.us, or fax to 410-767-6483. Comments will be accepted through November 8, 2010. A public hearing has not been scheduled.

.01 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) (text unchanged)
 - [(2) "Administrative Services Organization (ASO)" has the meaning stated in COMAR 10.09.62.01.]
 - [(3)] (2)—[(15)] (14) (text unchanged)
 - [(16) "Mental health services" means those services described in COMAR 10.09.70.10C rendered to treat an individual for a diagnosis set forth in COMAR 10.09.70.10A.]
 - [(17)] (15) (text unchanged)
 - [(18) "Nurse psychotherapist" means a nurse who is:
 - (a) Licensed and legally authorized to practice as a nurse in the state in which the service is rendered; and
 - (b) Certified by the Maryland Board of Nursing or an equivalent board of nursing in another state as a nurse psychotherapist.]
 - [(19)] (16)—[(24)] (21) (text unchanged)
 - [(25) "Psychiatrist" means a physician who is:
 - (a) Licensed and legally authorized to practice as a physician in the state in which the service is rendered; and
 - (b) Certified by the American Board of Psychiatry and Neurology or who has completed the minimum educational and training requirements to be qualified to take the Board examination.]
 - [(26)] (22)—[(29)] (25) (text unchanged)
 - [(30)] (26) "Visit" means the time spent rendering a covered service to a recipient at home by an individual employed by a home health agency [or a registered nurse with a contractual agreement with the Department].
 - [(31)] (27) (text unchanged)

.02 License Requirements.

- [A.] A home health agency shall be licensed pursuant to Health-General Article, §§19-401—19-408, Annotated Code of Maryland, or shall be part of a hospital or related institution licensed pursuant to Health-General Article, §§19-301—19-359, Annotated Code of Maryland, or shall be legally authorized to provide home health services in the jurisdiction in which the service is provided.
- [B.] A registered nurse with a contractual agreement with the Department to provide skilled nursing care shall be licensed pursuant to Health Occupations Article, §§7-101 and 7-301-7-315, Annotated Code of Maryland.]

.03 Conditions for Participation.

- A. (text unchanged)
- [B.] To be a provider, a registered nurse shall:
 - (1) Provide skilled nursing care in an area where home health services are not available through an approved home health agency;
 - (2) Render care specified by the written orders of the attending physician;
 - (3) Document care and services provided in accordance with generally accepted nursing practices; and
 - (4) Have training in clinical and administrative record keeping from a State or local health department nurse.]
- [C.] B. To participate in the Program, the home health agency [or the registered nurse] shall:
 - (1)—(11) (text unchanged)
 - (12) Agree that if the Program denies payment or requests repayment on the basis that an otherwise covered service was not medically necessary, the provider may not seek payment for that service from the recipient; *and*
 - (13) Agree that if the Program denies payment due to late billing, the provider may not seek payment from the recipient[; and].
 - [(14) When delivering mental health services, comply with the requirements for the delivery of mental health services contained in COMAR 10.09.70 and 10.09.59.]

[D.] C.—[E.] D. (text unchanged)

.04 Covered Services.

- A. (text unchanged)
- B. The Program covers the following services:
 - (1)—(3) (text unchanged)
 - (4) Occupational therapy services, provided by an occupational therapist:
 - (a)—(b) (text unchanged)
 - (c) When the services fall within one or more of the following categories:
 - (i)—(iv) (text unchanged)
 - (v) Improvement of mobility skills; *and*
 - (5) Speech-language pathology services performed by a licensed speech-language pathologist when the:
 - (a) (text unchanged)
 - (b) The condition of a recipient requires the judgment, knowledge, and skills of a speech-language pathologist[; and].
- [(6) Mental health services if:
 - (a) The recipient has a mental disorder diagnosed according to COMAR 10.09.70;
 - (b) Preauthorized by the ASO;
 - (c) The services are performed by:
 - (i) A nurse psychotherapist; or
 - (ii) A nurse who is supervised by either a nurse psychotherapist or a psychiatrist; and
 - (d) Carried out according to a:
 - (i) Plan of treatment prepared by the recipient's attending physician or treating psychiatrist, and
 - (ii) Plan of care that is based on the plan of treatment.]
- C.—D. (text unchanged)

.05 Limitations.

- The Program does not cover the following:
 - A.—M. (text unchanged)
 - [N. Mental health services that are performed incidental to other skilled nursing services in the course of a single visit;
 - O. Skilled nursing services that are performed incidental to mental health services in the course of a single visit;
 - P. Mental health services which are not preauthorized by the ASO;]
- [Q.] N.—[W.] T. (text unchanged)

.06 Preauthorization Requirements.

- A. Preauthorization is required for:
 - (1)—(2) (text unchanged)
 - (3) Four or more hours of care per day whether the 4-hour limit is reached in one visit or in several visits in one day; *and*
 - [(4) Mental health services provided according to Regulation .04B(6) of this chapter; and]
 - [(5)] (4) (text unchanged)
- [B.] A home health agency rendering mental health services shall comply with the preauthorization requirement of COMAR 10.09.70.]
- [C.] B. (text unchanged)

.07 Payment Procedures.

- A. (text unchanged)
- [B.] The provider shall submit requests for payment of mental health services according to procedures established in COMAR 10.09.70.]
- [C.] B.—[H.] G. (text unchanged)

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.05 Dental Services

Authority: Health General Article §§2-104(b), 15-103, 15-105, Annotated Code of Maryland

Notice of Proposed Action

[10-292-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .01—.04, .06, and .07 under **COMAR 10.09.05 Dental Services**.

Statement of Purpose

The purpose of this action is to add new dental services, specifically the coverage of self-ligating braces and mobile dental units.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499, or email to regs@dnhm.state.md.us, or fax to 410-767-6483. Comments will be accepted through November 8, 2010. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(17) (text unchanged)

(18) “Maryland Healthy Smiles Dental Program” means the Maryland Medicaid dental program that provides coverage for:

(a) Eligible children younger than 21 years old;

(b) Eligible pregnant women 21 years old or older; and

(c) Eligible adults 21 years old or older enrolled in the Rare and Expensive Case Management (REM) program.

[(18)] (19)—[(20)] (21) (text unchanged)

(22) “Mobile dental unit” means any self-contained facility in which dentistry will be practiced and which may be moved, towed, or transported from one location to another.

[(21)] (23)—[(27)] (29) (text unchanged)

(30) “Self-ligating braces” means braces which utilize a permanently installed, moveable component to secure the archwire without the use of ligatures.

.02 License Requirements.

A.—B. (text unchanged)

C. All dentists and dental hygienists working for a mobile dental unit shall be currently licensed and registered with the Maryland Board of Dental Examiners.

D. The driver of the mobile dental unit:

(1) Shall possess a valid operator’s license appropriate for the type of vehicle that is driven;

(2) May not have violations related to the operation of a motor vehicle in the last 3 years; and

(3) May not have any violations involving alcohol or other illegal substances related to the operation of a motor vehicle in the last 10 years.

[C.] E.—[E.] G. (text unchanged)

.03 Provider Qualifications and Conditions for Participation.

A.—E. (text unchanged)

F. Mobile Dental Unit.

(1) The mobile dental unit shall provide or arrange for comprehensive dental services with a participating Maryland Healthy Smiles Dental Program provider.

(2) The mobile dental unit shall be linked through either ownership or a legally binding contract to a primary dental office that has a permanent and fixed location.

(3) The primary dental office shall participate in the Maryland Healthy Smiles Dental Program.

(4) The mobile dental unit shall have electronic technology that enables the same day exchange of patient records with the primary dental office.

(5) The mobile dental unit’s service area shall be limited to 30 miles in a rural setting and 10 miles in an urban setting from the primary dental office.

(6) A mobile dental unit shall:

(a) Maintain dental records for the patient;

(b) Observe all patient rights;

(c) Obtain written, informed consent from a parent or legal guardian before treating a minor;

(d) Comply with all applicable federal, State, and local laws, regulations, and ordinances regulating:

(i) Equipment;

(ii) Flammability;

(iii) Construction;

(iv) Infection control;

(v) Sanitation procedures; and

(vi) Zoning;

(e) Comply with the statutes and regulations of the Maryland Department of the Environment for all dental radiographic and imaging equipment;

(f) Obtain all applicable county and city licenses or permits necessary to operate the mobile dental unit;

(g) Provide access to a ramp or a lift if services are provided to disabled individuals;

(h) Have ready access to a properly functioning sterilization system;

(i) Have ready access to an adequate supply of potable water, including hot water;

(j) Have immediate access to toilet facilities;

(k) Have an appropriately covered noncorrosive metal container for refuse and waste materials;

(l) Have a carbon monoxide detection device or system installed and in proper working condition;

(m) Have a dental chair;

(n) Have a dental treatment light;

(o) Have a radiograph unit with appropriate processing equipment;

(p) Have an evacuation unit suitable for dental surgical use;

(q) Have written procedures for medical emergencies;

(r) Have appropriate equipment to treat medical emergencies;

(s) Have appropriate and sufficient dental instruments and infection control supplies; and

(t) Have any other equipment or system that is necessary to provide the services being rendered by the mobile dental unit.

(7) *Dental hygienists or dental assistants may not solely operate a mobile dental unit.*

(8) *The owner or owners of a mobile dental unit shall submit a business plan to the Dental Administrative Services Organization (ASO) for the mobile unit that includes:*

- (a) *The mission of the mobile dental unit;*
- (b) *Verification of ownership of the mobile dental unit;*
- (c) *A list of the clinical practitioners that will render services in the mobile dental unit; and*
- (d) *The targeted population.*

.04 Covered Services.

A.—B. (text unchanged)

C. The Program will reimburse for covered services in §§A and B of this regulation if:

- (1) The services are rendered in [the]:
 - (a) *The dentist's office[, the];*
 - (b) *The recipient's home[, a];*
 - (c) *A general acute hospital[, a];*
 - (d) *A skilled or intermediate care nursing facility[, a];*
 - (e) *A free-standing clinic[, or in an];*
 - (f) *An EPSDT certified provider's office; or*
 - (g) *An approved mobile dental unit;*
- (2)—(4) (text unchanged)

.06 Preauthorization Requirements.

A.—E. (text unchanged)

F. Preauthorization is required for *traditional* orthodontic services and for *self-ligating braces* for the correction of medically necessary conditions, which cause dysfunction due to a handicapping malocclusion. At a minimum the following comprehensive pretreatment documentation shall be submitted:

- (1)—(7) (text unchanged)

.07 Payment Procedures.

A.—G. (text unchanged)

H. Reimbursement for *Traditional Orthodontic Treatment*.

- (1)—(2) (text unchanged)

I. *Reimbursement for Self-Ligating Braces.*

- (1) *The Program shall reimburse for:*

- (a) *A pre-orthodontic visit;*
- (b) *Comprehensive orthodontia; and*
- (c) *A maximum of 12 periodic treatment visits at an established rate, provided the treatment meets the standards established in COMAR 10.09.05.06F.*

(2) *When a claim is submitted to the Program for the banding of self-ligating braces, the following documentation shall be submitted with the claim:*

- (a) *A photograph of the recipient's oral cavity to confirm the placement of self-ligating braces; and*
- (b) *A statement signed by the parent or guardian of the child receiving treatment, acknowledging that:*
 - (i) *Orthodontic services are a once in a lifetime benefit; and*

(ii) *The recipient will not be able to pursue additional orthodontic services from the Medicaid Program at a later date.*

[I.] J—[M] N. (text unchanged)

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.10 Nursing Facility Services

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

Notice of Proposed Action

[10-291-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .01, .03, and .15 under **COMAR 10.09.10 Nursing Facility Services**.

Statement of Purpose

The purpose of this action is to:

- (1) Require owners of nursing facilities, before relinquishing ownership, to provide a standby letter of credit or some other assurance satisfactory to the Department that the new owner will assume all financial obligations of the current owner; and
- (2) Stipulate the conditions of participation for new providers purchasing existing providers.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499, or email to regs@dhmh.state.md.us, or fax to 410-767-6483. Comments will be accepted through November 8, 2010. A public hearing has not been scheduled.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

- (1)—(7) (text unchanged)

(8) *"Change of provider status" means:*

- (a) *A provider's Medicaid participating provider number and tax identification number remain intact;*
- (b) *The provider's participating number will continue to be utilized for purposes of billing the Program for covered services; and*
- (c) *One of the following occurs:*
 - (i) *The assignment, transfer, disposition, or sale of all or substantially all of a provider's assets to another person or entity;*
 - (ii) *In the case of a partnership, the removal, addition, or substitution of a partner;*
 - (iii) *In the case of a limited liability company, the removal, addition, or substitution of a limited liability company member;*
 - (iv) *In the case of an unincorporated sole proprietorship, the transfer of title and property to another party;*
 - (v) *The assignment, transfer, disposition, or sale of a majority of the ownership, equity, or voting control of a provider;*
 - (vi) *The provider enters into a management, operating, or lease agreement with a third party pursuant to which the third*

party obtains the right to direct and control all or substantially all of the activities of the provider;

(vii) The provider files a change of name or trade name application with the Maryland Department of Assessments and Taxation; or

(viii) The provider files a change of principal office application with the Maryland Department of Assessments and Taxation.

(9) "Change of ownership" means:

(a) A provider's Medicaid participating provider number dissolves or will no longer be utilized for purposes of billing the Program for covered services; and

(b) One of the following occurs:

(i) The merger of another entity into the provider where only the other entity's tax identification number remains;

(ii) The assignment, transfer, disposition, or sale of all or substantially all of a provider's assets to another person; or

(iii) The merger of the provider into another person, or the consolidation of two or more persons, resulting in the creation of a new person.

(10) "Consolidation" means two or more providers combining to form a new business entity.

[(8)] (11)—[(17)] (22) (text unchanged)

[(18)] "Indemnity bond" means a bond posted by the provider to ensure that the provider is able to fulfill any financial obligations to the Department upon sale of the facility.]

[(19)] (23)—[(40)] (46) (text unchanged)

(47) "Purchaser" means a person who participates in a change of ownership with a provider by:

(a) Having a provider merge into the person;

(b) Accepting the assignment, transfer, disposition, or sale of all or substantially all of a provider's assets; or

(c) Being a new person that results from the consolidation of the provider with a third party.

[(40-1)] (48)—[(56)] (64) (text unchanged)

.03 Conditions for Participation.

To participate in the Program, the provider shall:

A.—U. (text unchanged)

V. Assure that an individual who is eligible for Medical Assistance at the time of application for admission to a nursing home, or would become eligible within 6 months following admission, has a long-term care assessment made available before admission, at no charge to the individual, pursuant to COMAR 10.09.30. The evaluation is advisory only and may not restrict the right of an individual to select nursing home services; and

W. Not less than 30 days before the date of any change of ownership, if applicable, provide the Department the notification and letter of credit or certificate of assurance required by Regulation .15 of this chapter.

.15 Change of Ownership and Provider Status.

[A.] — [B.] (proposed for repeal)

A. When there is an anticipated change of provider status of a provider, the provider shall notify the Program of the anticipated change of provider status not less than 30 days before the date of the change of provider status.

B. When there is an anticipated change of ownership of a provider:

(1) The provider shall notify the Program of the anticipated change of ownership not less than 30 days before the date of the change of ownership; and

(2) Not less than 30 days before the date of the change of ownership, the purchaser shall:

(a) Post a standby letter of credit or provide some assurance satisfactory to the Program that the purchaser will assume and be responsible for all financial obligations of the existing provider;

(b) Notify the Program of the intent to engage in a change of ownership and the desire to enroll in the Program; and

(c) Submit a provider application and execute a provider agreement with the Department before being assigned new interim per diem rates.

C. The standby letter of credit required in §B(2)(a) of this regulation shall be in the amount of:

(1) 10 percent of the Program billings for each unsettled fiscal period outstanding;

(2) All unpaid amounts due and owing the Program for each settled fiscal period; and

(3) All debt owed by the current owner to the Interim Working Capital Fund under Regulation .07-1 of this chapter.

[C.] D. Interim Per Diem Rates.

(1) [The new owner] If the Program approves the purchaser's provider application and issues the purchaser a participating number, the purchaser shall have new interim per diem rates established within 90 days after the date of the change of ownership applicable retroactively to the date of the change of ownership, provided that statistical data, a projected budget, and a monthly amortization schedule for the debt (if investor owned) are submitted to the Department or its designee within 60 days after the date of the change of ownership.

(2)—(3) (text unchanged)

[D.] E.—[E.] F. (text unchanged)

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.10 Nursing Facility Services

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

Notice of Proposed Action

[10-290-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .07, .08, .09, .10, .11, and .16 under **COMAR 10.09.10 Nursing Facility Services**.

Statement of Purpose

The purpose of this action is to increase Medicaid rates for nursing facility services by 2 percent effective July 1, 2010.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. A 2 percent rate increase for nursing facility services will increase Medicaid program expenditures by \$24,188,841 during Fiscal Year 2011.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)	\$24,188,841
B. On other State agencies:	NONE	

C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	\$24,188,841
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. and D. Nursing home per diem rates will increase by an average \$4.25 per day under the provisions of the proposed amendments. Based upon a projected 5,691,292 Medicaid days of care during Fiscal Year 2011, payments for nursing facility services will increase by \$24,188,841.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

Thirty-eight nursing homes, which qualify as small businesses, are expected to account for 772,600 Medicaid days of care during Fiscal Year 2011. At an average impact of \$4.25 per day, the impact on small businesses is estimated at \$3,283,550.

Impact on Individuals with Disabilities

The proposed action has an impact on individuals with disabilities as follows:

The proposed action will affect rates paid to providers of services to individuals with disabilities. Rate increases will benefit providers and the resources available to provide quality care will be improved.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulations and Policy Coordination, 201 W. Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to reg@dhhm.state.md.us, or fax to 410-767-6483. Comments will be accepted through November 8, 2010. A public hearing has not been scheduled.

.07 Payment Procedures—Maryland Facilities.

A.—C-3. (text unchanged)

C-4. *With the exception of interim rate changes allowed in accordance with §§A and A-1 of this regulation, for services provided during the period July 1, 2010 through June 30, 2011, interim and maximum reimbursement rates shall remain unchanged from those in effect for the period November 1, 2008 through June 30, 2009, except that rates calculated under the provisions of Regulations .08, .09, and .10 of this chapter shall be reduced by 4.158 percent rather than by the percentage indicated under §A-4 of this regulation.*

D. (text unchanged)

.08 Rate Calculation—Administrative and Routine Costs.

A. (text unchanged)

B. The final per diem rate for administrative and routine costs in each reimbursement class is the sum of:

(1) (text unchanged)

(2) An efficiency allowance equal to the lesser of 50 percent (45 percent for the period July 1, 2008 through October 31, 2008 and 40 percent for the period November 1, 2008 through June 30, [2010]

2011) of the amount by which the allowable per diem costs in §B(1) of this regulation are below the maximum per diem rate for this cost center, or 10 percent of the maximum per diem rate for the cost center.

C.—D. (text unchanged)

E. Maximum per diem rates for administrative and routine costs in each reimbursement class shall be established according to the following:

(1)—(4) (text unchanged)

(5) The maximum per diem rate for each reimbursement class shall be 114 percent (113 percent for the period July 1, 2008 through October 31, 2008 and 112 percent for the period November 1, 2008 through June 30, [2010] 2011) of the lowest aggregate indexed current interim per diem cost, from §E(1) of this regulation, which is equal to the aggregate indexed current interim per diem costs associated with at least 50 percent of the paid Medical Assistance days in the reimbursement class.

F.—H. (text unchanged)

.09 Rate Calculation—Other Patient Care Costs.

A.—D. (text unchanged)

E. Maximum per diem rates for Other Patient Care costs in nursing facilities shall be established using the provisions described in Regulation .08E of this chapter except that 120 percent (119 percent for the period July 1, 2008 through October 31, 2008 and 118 percent for the period November 1, 2008 through June 30, [2010] 2011) of the lowest aggregate indexed current interim per diem cost which is equal to the aggregate indexed current interim costs associated with at least 50 percent of the paid Medical Assistance days in the reimbursement class shall be used instead of the percentage expressed in Regulation .08E(5) of this chapter and except that the table of monthly indices listed under Regulation .21 of this chapter shall be used instead of that presented in Regulation .20 of this chapter.

F.—H. (text unchanged)

.10 Rate Calculation—Capital Costs.

A.—F. (text unchanged)

G. The net capital value rental for those facilities which are subject to rate determination under §C of this regulation is determined through the following steps:

(1)—(8) (text unchanged)

(9) The value of net capital from §G(7) of this regulation shall be multiplied by 0.0857 (0.0807 for the period July 1, 2008 through October 31, 2008 and 0.0757 for the period November 1, 2008 through June 30, [2010] 2011) in order to generate the net capital value rental.

H.—N. (text unchanged)

.11 Rate Calculation—Nursing Service Costs.

A.—B. (text unchanged)

C. The final Medical Assistance reimbursement for nursing services is the lesser of:

(1) (text unchanged)

(2) The sum of:

(a) (text unchanged)

(b) 60 percent of the difference between the amount of the reimbursement calculated under §B(1) of this regulation and the amount of the costs under §C(2)(a) of this regulation, subject to a maximum of the reimbursements calculated under §B(1) of this regulation multiplied by 0.04 (0.035 for the period July 1, 2008 through October 31, 2008 and 0.03 for the period November 1, 2008 through June 30, [2010] 2011);

(c)—(d) (text unchanged)

D.—U. (text unchanged)

.16 Selected Costs—Allowable.

The following costs are allowable in establishing interim and final per diem payment rates:

A.—E. (text unchanged)

F. Bed Occupancy.

(1) For services on or after September 1, 2005, the per diem cost determined for a provider, or a distinct part thereof in a multilevel facility, shall be calculated at the actual occupancy of the nursing facility beds or at the Statewide average occupancy of nursing facility beds, based on the cost reports used to set the current interim rates, plus 1.5 percent (2 percent during the period November 1, 2008 through June 30, [2010] *2011*), whichever is higher, for the calculation of ceilings, current interim costs, and final costs in the cost centers of Administrative and Routine, and Other Patient Care.

(2) For services on or after September 1, 2005, the per diem cost determined for a provider, or a distinct part of it in a multilevel facility, shall be calculated at the actual occupancy of the nursing facility beds, based on the cost reports used to set the current interim rates, plus 1.5 percent (2 percent during the period November 1, 2008 through June 30, [2010] *2011*), whichever is higher, for all Capital cost items exclusive of the net capital value rental.

(3) For services on or after September 1, 2005, the per diem rate determined for a provider, or a distinct part of it in a multilevel facility, shall be calculated at the actual occupancy of the nursing facility beds plus 95 percent of licensed capacity of the non-nursing facility beds, based on the cost reports used to set the current interim rates, plus 1.5 percent (2 percent during the period November 1, 2008 through June 30, [2010] *2011*), plus 95 percent of licensed capacity of the non-nursing facility beds, whichever is higher, for the net capital value rental.

(4)—(8) (text unchanged)

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

Notice of Proposed Action

[10-294-P]

The Secretary of Health and Mental Hygiene proposes to amend:

(1) Regulations **.02**, **.04**, and **.07** under **COMAR 10.09.23 Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Services**; and

(2) Regulations **.01— .04** and **.06** under **COMAR 10.09.38 Healthy Start Program**.

Statement of Purpose

The purpose of this action is to:

(1) Update EPSDT and Healthy Start regulations to remove references to substance abuse as expanded benefits since these services are covered for all members;

(2) Add language to include therapeutic nursery services under EPSDT; and

(3) Include nutritionists as providers under EPSDT.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to regs@dhmh.state.md.us, or fax to 410-767-6483. Comments will be accepted through November 8, 2010. A public hearing has not been scheduled.

10.09.23 Early and Periodic Screening, Diagnosis and Treatment (EPSDT) [Screening] Services

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105,
Annotated Code of Maryland

.02 Provider Qualifications.

A.—D. (text unchanged)

E. EPSDT treatment providers that are covered by the Program include:

(1) (text unchanged)

[(2) Alcohol and drug abuse outpatient programs that are licensed or certified by the Office of Health Care Quality to provide services in the jurisdiction in which services are provided;]

[(3)] (2)—[(8)] (7) (text unchanged)

[(9)] (8) Therapeutic behavioral service providers, as specified in COMAR 10.09.34.02; [and]

[(10)] (9) Vision care and optical providers, as specified in COMAR 10.09.14.02; and

(10) *Therapeutic nursery service providers, as specified in COMAR 10.21.18.03.*

.04 Covered Services.

A.—C. (text unchanged)

D. Additional Medically Necessary Plan of Treatment Services.

(1) (text unchanged)

(2) EPSDT services covered under [this] §D include:

[(a) Alcohol and drug abuse outpatient counseling services;]

[(b)] (a)—[(l)] (k) (text unchanged)

.07 Payment Procedures.

A.—B. (text unchanged)

C. Rates for services provided by chiropractors, speech therapists, occupational therapists, professional counselors, psychologists, social workers, *nutritionists*, and nurse psychotherapists covered under this chapter are included in the *current* Program Physicians' Provider Fee Manual, [Revision July 2009,] which is contained in the Medical Assistance Provider Fee Manual, dated October 1986, all the provisions of which, unless specifically excepted, are incorporated by reference in COMAR 10.09.02.07.

D. (text unchanged)

E. Reimbursement for [other services covered under this chapter is as follows:

(1) Alcohol and drug abuse treatment services other than services provided by a local health department clinic or a hospital-based outpatient department:

(a) Individual counseling—per visit \$40; and

(b) Group counseling—per 1 hour session \$13;

(2) Nutritional counseling services—per visit \$40; and

(3) Environmental] *environmental* lead investigation [— per inspection] is \$333.29 *per inspection*.

F. (text unchanged)

10.09.38 Healthy Start Program

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

.01 Definitions.

- A. (text unchanged)
- B. Terms Defined.

[(1) "Alcohol and drug abuse treatment services" means outpatient counseling services to pregnant and postpartum women diagnosed as having an alcohol or drug use problem which poses a threat to the health and well-being of the participant and her baby.]

[(2)] (1)—[(24)] (23) (text unchanged)

.02 Licensing Requirements.

- A.—C. (text unchanged)

[D. Alcohol and drug abuse treatment programs providing Healthy Start services shall meet the certification requirements of either a traditional outpatient treatment program, or an intensive outpatient treatment program, as specified in COMAR 10.47.01.04 and 10.47.01.26.]

.03 Conditions for Participation.

- A.—C. (text unchanged)

D. Specific requirements for participation in the provision of high-risk nutrition counseling services are that providers shall:

- (1) Be a dietician or nutritionist as specified in Regulation [.02D] .02C of this chapter;
- (2) (text unchanged)
- (3) Agree to on-site visits by Department staff to monitor adherence to Regulation .04C [and D] of this chapter.

[E. Specific requirements for providers of alcohol and drug abuse treatment services under this chapter are that providers shall:

- (1) Be an alcohol and drug abuse treatment program as specified in Regulation .02G of this chapter and not be enrolled in the Program as a local health department clinic or hospital-based outpatient department;
- (2) Maintain regular communication, at a minimum every 90 days, with the participant's obstetrical care provider regarding a participant's progress in treatment, and alert the obstetrical care provider of significant developments;
- (3) Strictly safeguard the confidentiality of the participant's record so as not to endanger the participant's employment, family, relationships, and status in the community; and
- (4) Agree to on-site visits by Department staff to monitor adherence to Regulation .04E of this chapter.]

.04 Covered Services.

Effective July 1, 2006, the Program shall reimburse for the following services:

- A.—C. (text unchanged)

[D. Alcohol and Drug Abuse Treatment Services. These services are provided on an outpatient basis to pregnant and postpartum women who are referred or approved for participation by a medical care provider. These services shall include the following:

- (1) Individual counseling, which shall include all of the following:
 - (a) An assessment to be completed on each participant upon referral or approval for participation by a medical care provider. The assessment appraises the participant's medical history and alcohol and drug abuse history, current alcohol and drug abuse patterns, and psychological and social factors, all of which will result in the development of an individualized treatment plan, including means to ensure that participants are receiving obstetrical care services.
 - (b) One-to-one counseling sessions.
 - (c) Individual psychotherapy.

- (2) Group counseling, which shall include:
 - (a) Group psychotherapy; and
 - (b) Scheduled group discussions and structured time-limited group counseling sessions.]

.06 Payment Procedures.

- A.—B. (text unchanged)

- C. Payments shall be made:

- (1)—(3) (text unchanged)

- (4) [According] *For high-risk nutrition counseling as follows:*

(a) *To federally qualified health centers, according to COMAR 10.09.08.05 [and to];*

(b) *To each local health department, according to the methodology described in the memorandum of understanding between the Program and each local health department [for the following services:] ;*

- [(a) High-risk nutrition counseling; and

(b) Alcohol and drug abuse treatment—individual counseling;]

[(5)] (c) [According] *To Maryland qualified health centers, according to COMAR 10.09.08.06; and [for the following services:*

- (a) High-risk nutrition counseling; or

(b) Alcohol and drug abuse treatment—individual counseling; and]

[(6)] (d) [According] *To all other eligible providers, according to the [following] current fee-for-service schedule[:*

Description Fee Per Unit of Service

- (a) High-risk nutrition counseling—per visit ... \$40;

- (b) Alcohol and drug abuse treatment services:

- (i) Individual counseling—per visit ... \$40;

(ii) Group counseling—per hour session ... \$13] *specified in the Program Physicians' Provider Fee Manual which is contained in the Medical Assistance Provider Fee Manual, dated October 1986, all the provisions of which, unless specifically excepted, are incorporated by reference in COMAR 10.09.02.07.*

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.24 Medical Assistance Eligibility

Authority: Health-General Article, §§2-104(b) and 15-103, Annotated Code of Maryland

Notice of Proposed Action

[10-286-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .03-3 and .03-4 under **COMAR 10.09.24 Medical Assistance Eligibility**.

Statement of Purpose

The purpose of this action is to comply with the federal mandate to amend requirements for the Medicare Savings Program (MSP) (previous known as Medicare Cost-Sharing Program) so that MSP income and resource eligibility requirements conform to the federal Low-Income Subsidy (LIS) program requirements. This action will streamline the process for determining Medicaid eligibility for MSP applicants, effective January 1, 2010. These amendments include: (1) changing resource standards to equal the annual resource limit amount for the full Medicare Part D LIS program (the resource limit includes a \$1,500 income disregard for savings attributed to burial expenses); and (2) adding a resource exclusion for the cash value of life insurance.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

I. Summary of Economic Impact. This proposal will result in an increase in the number of individuals enrolled in the Medicare Savings Program (MSP), who were formerly not eligible, due to excess resources. The MSP costs for those individuals who are eligible include the cost of Medicare premiums, co-insurance, or deductibles, and in some cases, claims for MA services. It is estimated that approximately 8,000 individuals would become eligible when MSP income and resource eligibility requirements are conformed to requirements of the federal Low-Income Subsidy (LIS) program. The cost of adding these individuals would be approximately \$6,266,000.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	\$6,266,000
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

- A. (1) Of the estimated 8,000 recipients:
- (a) Medicaid will receive 100 percent federal funds for premiums for 1,000 recipients — 7,000 recipients × \$110.50 (premium) × 12 months = \$9,282,000.
 - (b) Medicaid will pay no medical claims for 5,500 recipients — 2,500 recipients × \$1,300 claims = \$3,250,000.
 - (c) Total costs = \$9,282,000 + 3,250,000 = \$12,532,000.
 - (d) Federal funds will pay for 50 percent of costs: \$12,532,000/2 = \$6,266,000.
- (2) Co-insurance payments will be determined based on Medicaid rates rather than Medicare rates.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele A. Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to regs@dnhm.state.md.us, or

fax to 410-767-6483. Comments will be accepted through November 8, 2010. A public hearing has not been scheduled.

.03-3 Medicare [Cost-Sharing] Savings Program Coverage.

A. Non-Financial and Resource Eligibility for the Medicare [Cost-Sharing Benefits] Savings Programs. In order to be eligible for the Medicare [cost-sharing benefits] savings program under §§E—H of this regulation, an individual:

- (1) (text unchanged)
- (2) Shall be entitled to hospital insurance benefits under Medicare Part A, or medical insurance benefits under Medicare Part B, or both, with or without payment of premiums;
- (3) (text unchanged)
- (4) Shall be part of an assistance unit whose countable resources do not exceed [twice the maximum amount allowed by the Supplemental Security Income program for the number of persons in the assistance unit.]:
 - (a) For individuals eligible under §§E—G of this regulation, 3 times the maximum amount allowed by the Supplemental Security Income program, as adjusted from time to time by the Social Security Administration, for the number of persons in the assistance unit; or
 - (b) For individuals eligible under §H of this regulation, 2 times the maximum amount allowed by the Supplemental Security Income program for the number of persons in the assistance unit.

B. Medicare [Cost-Sharing Benefits] Savings Program.

(1) The Medical Assistance benefits for individuals eligible under §§E—H of this regulation are limited to the Medicare [cost-sharing] savings program benefits described under those sections of this regulation.

(2) Current eligibility for Medicare [cost-sharing] savings program benefits shall continue until the recipient is determined ineligible.

C. Application and Redetermination Procedures.

- (1) (text unchanged)
- (2) Applications and re-applications for eligibility under this regulation shall be filed at:
 - (a) [A local department of social services] *The Department or its designee*;
 - (b)—(d) (text unchanged)
 - (3) (text unchanged)
 - (4) Redeterminations.
 - (a) Applications for redetermination of eligibility shall be:
 - (i) Mailed] *mailed* by the [local department of social services] *Department or its designee* to the recipient or representative for completion *at least once every 12 months*.; and
 - (ii) Returned, completed, and signed, by the recipient or representative, to the local department of social services.
 - (b) Scheduled redeterminations of eligibility under §§E—H of this regulation shall be conducted at least once every 12 months after the anniversary of the enrollment effective date.
 - (b) *The recipient or representative shall return the application to the Department or its designee and indicate:*
 - (i) *Any changes that have occurred since the prior redetermination of eligibility, such as a new address; or*
 - (ii) *That there is no new information to report, by marking "NO CHANGE" on the front of the application.*

(c) Upon notice of a change in circumstances, [an unscheduled] a redetermination of eligibility under §§E—H of this regulation shall be completed by the Department or its designee.

(5) Eligibility under §§E—H of this regulation shall be initially determined and redetermined by [a local department of social services] *the Department or its designee*.

D. Income and Resource Consideration.

- (1) (text unchanged)
- (2) Determining Countable Income and Resources.

(a) Income and resources shall be evaluated for §§E—H of this regulation in accordance with the provisions for aged, blind, or disabled adults residing in the community, as described under this chapter, *in addition to the following resource exclusions:*

(i) *The cash value of life insurance; and*

(ii) *An amount up to \$1,500 for burial or funeral funds, unless included in the annual resource limit for the full Medicare Part D Low-Income Subsidy (LIS) program.*

(b) (text unchanged)

E. Qualified Medicare Beneficiary (QMB).

(1)—(3) (text unchanged)

(4) Medicare [cost-sharing] *savings program* benefits for a QMB-eligible person shall include coverage of the following expenses by the Medical Assistance program:

(a)—(c) (text unchanged)

[(5) A QMB recipient shall be automatically enrolled by the Department in the Maryland Pharmacy Assistance Program under COMAR 10.09.60 and COMAR 10.09.61 for the duration of QMB enrollment.]

F. Specified Low-Income Medicare Beneficiary (SLMB).

(1)—(3) (text unchanged)

(4) Medicare [cost-sharing] *savings program* benefits for a SLMB-eligible person shall consist of coverage by the Medical Assistance program of the monthly premium for Medicare Part B.

G. Qualifying Individual 1 (QI-1).

(1)—(3) (text unchanged)

(4) Medicare [cost-sharing] *savings program* benefits for a QI-1 eligible person shall consist of coverage by the Medical Assistance program of the monthly premium for Medicare Part B.

H. Qualified Disabled and Working Individual (QDWI).

(1)—(2) (text unchanged)

(3) Medicare [cost-sharing] *savings program* benefits for a QDWI-eligible person shall consist of coverage by the Medical Assistance program of the monthly premium for Medicare Part A.

(4)—(7) (text unchanged)

.03-4 Medicare Buy-In Coverage for Medical Assistance Recipients.

A. If a recipient, who is determined federally eligible and enrolled in Medical Assistance or the Maryland Children's Health Program according to the requirements of this chapter or COMAR 10.09.11, is entitled to hospital insurance benefits under Medicare Part A, *or medical insurance benefits under Medicare Part B, or both*, with or without payment of premiums, the Medical Assistance program shall provide the same coverage of Medicare [cost-sharing] *savings program* expenses as specified for a Qualified Medicare Beneficiary under Regulation .03-3E of this chapter.

B.—C. (text unchanged)

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

Notice of Proposed Action

[10-282-P-I]

The Secretary of Health and Mental Hygiene proposes to:

(1) Repeal Regulation .01 and amend Regulations .05 and .09 under **COMAR 10.09.64 Maryland Medicaid Managed Care Program: MCO Application**;

(2) Amend Regulations .01—.03 under **COMAR 10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations**;

(3) Amend Regulations .01 and .12 under **COMAR 10.09.67 Maryland Medicaid Managed Care Program: Benefits**;

(4) Amend Regulation .17 under **COMAR 10.09.69 Maryland Medicaid Managed Care Program: Rare and Expensive Case Management**; and

(5) Amend Regulations .04 and .13 under **COMAR 10.09.76 Primary Adult Care Program**.

Statement of Purpose

The purpose of this action is to:

(1) Require a new managed care organization (MCO) applicant to service enrollees in certain local access areas;

(2) Remove references to Health Care Quality Improvement System (HQIS) as they are no longer applicable;

(3) Require MCOs to use the same criteria as the Department when determining medical necessity for nursing home stays;

(4) Update rare and expensive case management (REM) codes;

(5) Correct language that lists mental health case management as a limitation under primary adult care program (PAC) as these services are now covered; and

(6) Update incorrect references.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston St., Room 512, Baltimore, Maryland 21201, or call 410-767-6499, or email to regs@dnhm.state.md.us, or fax to 410-767-6483. Comments will be accepted through November 8, 2010. A public hearing has not been scheduled.

10.09.64 Maryland Medicaid Managed Care Program: MCO Application

Authority: Health-General Article §§15-102 and 15-103, Annotated Code of Maryland

.05 Access and Capacity.

An MCO applicant shall include in its application the following information or descriptions:

A. A map or maps showing the county or counties in which the applicant proposes to provide health care services, and the service area boundaries. *For applications received after June 30, 2010, the service area shall include at least two of the following regions:*

(1) *Allegany, Garrett, Washington;*

(2) *Prince George's Northeast, Prince George's Northwest, Prince George's Southeast, Prince George's Southwest;*

(3) *Calvert, Charles, St. Mary's;*

(4) *Caroline, Kent, Queen Anne's, Talbot, Cecil; or*

(5) *Dorchester, Somerset, Wicomico, Worcester.*

B.—L (text unchanged)

.09 Quality Assurance System — General.

An applicant shall include in its application the following information or descriptions:

[A. Documentation of the applicant's ability to comply with, and provide care based upon, guidelines specified in the Health Care Financing Administration's "A Health Care Quality Improvement System for Medicaid Managed Care";]

[B.] A.—[P.] O. (text unchanged)

10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations

Authority: Insurance Article, §§15-112, 15-605, and 15-1008; Health-General Article, §§2-104, 15-102.3, and 15-103; Annotated Code of Maryland

.01 Incorporation by Reference.

A. (text unchanged)

B. Documents Incorporated.

[(1) A Health Care Quality Improvement System for Medicaid Managed Care, A Guide for States (Medicaid Bureau, Health Care Financing Administration, U.S. Department of Health and Human Services, July 6, 1993).]

[(2)] (1)—[(4)] (3) (text unchanged)

.02 Conditions for Participation.

A.—U. (text unchanged)

V. Disclosure of Provider Incentive Plans.

(1) (text unchanged)

(2) An MCO shall include in the disclosures required by [§T(1)] §V(1) of this regulation information sufficient for the Department to determine whether the incentive plans meet the requirements of 42 CFR §417.479(d)—(g) and, as applicable (i), when there exist compensation arrangements under which payment for designated health services furnished to an individual on the basis of a physician referral would otherwise be denied under §1903(a) of the Social Security Act.

W.—C.C. (text unchanged)

.03 Quality Assessment and Improvement.

A. (text unchanged)

B. An MCO shall participate in all quality assessment activities required by the Department in order to determine if the MCO is providing medically necessary enrollee health care. These activities include, but are not limited to:

(1) An annual Systems Performance Review (SPR) performed by an external quality review organization hired by the Department to assess an MCO's structure and operations in order to determine its ability to provide health care to its enrollees as follows:

[(a) The SPR standards and criteria shall include at a minimum all applicable standards in the Health Care Quality Improvement System (HCQIS);]

[(b)] (a)—[(e)] (d) (text unchanged)

(2)—(6) (text unchanged)

C. (text unchanged)

10.09.67 Maryland Medicaid Managed Care Program: Benefits

Authority: Health-General Article, Title 15, Subtitle 1, Annotated Code of Maryland

.01 Required Benefits Package—In General.

A.—D. (text unchanged)

[E. Interpretation. This chapter is intended to describe a baseline benefits package for MCOs that is equivalent to Medicaid benefits available as of January 1, 1996, under Maryland's Medicaid fee-for-service system, except as follows:

(1) Regulation .27B(5)—(12), (27), (29), and (36) of this chapter excludes from the MCO's baseline benefits package, certain

services that were covered under the Medicaid fee-for-service program, but are not the MCO's responsibility in the Maryland Medicaid Managed Care Program; and

(2) Regulation .06B of this chapter adds a benefit that traditionally has not been covered by Maryland's Medicaid fee-for-service program, but is the MCO's responsibility in the Maryland Medicaid Managed Care Program.]

[F.] E.—[G.] F. (text unchanged)

.12 Benefits—Long-Term Care Facility Services.

A. An MCO shall provide to its enrollees medically necessary services in a chronic hospital, a rehabilitation hospital, or a nursing facility for:

(1) (text unchanged)

(2) Any days following the first 30 continuous days of an admission until the date the MCO has obtained the Department's determination that the admission is medically necessary as specified in [§C] §D of this regulation.

B.—D. (text unchanged)

E. The Department shall render a determination with respect to the medical necessity of a stay in a nursing facility as specified in [§C] §D of this regulation within 3 business days of receipt of a complete application from the MCO.

F. (text unchanged)

G. An MCO shall use the Department's criteria for determining medical necessity for the days described in §A(1) of this regulation.

10.09.69 Maryland Medicaid Managed Care Program: Rare and Expensive Case Management

Authority: Health-General Article, §§15-102.1(b)(1) and 15-103(b)(4)(i) Annotated Code of Maryland

.17 Table of Rare and Expensive Disease List.

ICD-9	Disease	Age Group
042—359.1	(text unchanged)	
[359.2] 359.21	Congenital myotonic dystrophy (Steinert's only)	0—64
437.5 —756.71	(text unchanged)	
756.72	Omphalocele	0—1
756.73	Gastrochesis	0—1
756.79 —V46.1	(text unchanged)	

10.09.76 Primary Adult Care Program

Authority: Health-General Article, §§15-101 and 15-103, Annotated Code of Maryland

.04 Disenrollment.

A.—D. (text unchanged)

E. Effective Date of Disenrollment.

(1) (text unchanged)

(2) An enrollee's disenrollment shall take effect:

(a)—(b) (text unchanged)

(c) [Immediately] On the first day of the month following the month in which the Department receives the required notification when the enrollee permanently relocates outside of the State; or

(d) (text unchanged)

(3)—(5) (text unchanged)

(6) In the case of an enrollee's [incarceration,] death, [or relocation outside of the State,] the Department may recover any

capitation payments made on behalf of an enrollee for the period beginning on the date of death [or relocation].

F. (text unchanged)

.13 Limitations.

A. The following services are not covered:

(1)—(4) (text unchanged)

(5) Any Medical Assistance service not specified in Regulations .09—,12 of this chapter including services such as:

(a)—(f) (text unchanged)

(g) Targeted case management services, including HIV case management *but excluding mental health targeted case management*;

(h)—(i) (text unchanged)

(6) (text unchanged)

B.—D. (text unchanged)

JOHN M. COLMERS

Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations

Authority: Insurance Article, §§15-112, 15-605, and 15-1008; Health-General Article, §§2-104, 15-102.3, and 15-103; Annotated Code of Maryland

Notice of Proposed Action

[10-287-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .19 under **COMAR 10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations**.

Statement of Purpose

The purpose of this action is to implement the mid-year adjustment to the MCO's HealthChoice reimbursement rates.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The total HealthChoice capitation increase effective July 1, 2010 is \$6,606,366. The increase is the result of an increase in cost factors from an HSCRC rate change effective July 1, 2010 of \$17,108,070. Inpatient rates increased \$18,115,125 and Outpatient rates decreased by \$1,007,055. In addition a decrease in GME discount rates amounts to \$10,501,704 of which \$7,062,500 is inpatient and \$3,439,204 is outpatient.

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.19 MCO Reimbursement.

A. (text unchanged)

B. Capitation Rate-Setting Methodology.

(1)—(3) (text unchanged)

(4) Except to the extent of adjustments required by §D of this regulation or by Regulations .19-1—.19-4 of this chapter, the Department shall make payments monthly at the rates specified in the following tables:

[(a)]—[(c)] (proposed for repeal)

II. Types of Economic Impact.

Revenue (R+/R-)

Expenditure

(E+/E-)

Magnitude

A. On issuing agency:

(E+)

\$6,606,366

B. On other State agencies:

NONE

C. On local governments:

NONE

Benefit (+)

Cost (-)

Magnitude

D. On regulated industries or trade groups:

(+)

\$6,606,366

E. On other industries or trade groups:

NONE

F. Direct and indirect effects on public:

NONE

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. The rate increase for hospitals is based on the change in update factors for the approved HSCRC rates for FY 2010 beginning July 1, 2010. The rate decrease for GME is based on analysis of the GME payments paid in FY 2009.

D. There will be a positive impact on the MCOs due to the fee increase. See Section A above.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele A. Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to regs@dnhm.state.md.us, or fax to 410-767-6483. Comments will be accepted through November 8, 2010. A public hearing has not been scheduled.

(a) Rate Table for Families and Children

Effective August 1, 2010 — December 31, 2010

Age/RAC	Gender	PMPM Baltimore City	PMPM Allegany, Frederick, Garrett, Montgomery, Prince George's and Washington Counties	PMPM Rest Of State
<i>Under age 1 Birth Weight 1500 grams or less</i>	<i>Both</i>	<i>\$9,200.39</i>	<i>\$7,782.23</i>	<i>\$8,754.91</i>
<i>Under age 1 Birth Weight over 1500 grams</i>	<i>Both</i>	<i>\$387.44</i>	<i>\$327.72</i>	<i>\$374.40</i>
<i>1-5</i>	<i>Male</i>	<i>\$171.76</i>	<i>\$145.29</i>	<i>\$166.98</i>
	<i>Female</i>	<i>\$151.48</i>	<i>\$128.13</i>	<i>\$146.98</i>
<i>6-14</i>	<i>Male</i>	<i>\$87.92</i>	<i>\$74.36</i>	<i>\$85.17</i>
	<i>Female</i>	<i>\$76.54</i>	<i>\$64.74</i>	<i>\$74.35</i>
<i>15-20</i>	<i>Male</i>	<i>\$134.79</i>	<i>\$114.01</i>	<i>\$128.93</i>
	<i>Female</i>	<i>\$158.68</i>	<i>\$134.22</i>	<i>\$150.38</i>
<i>21-44</i>	<i>Male</i>	<i>\$422.36</i>	<i>\$357.26</i>	<i>\$402.45</i>
	<i>Female</i>	<i>\$427.51</i>	<i>\$361.61</i>	<i>\$399.65</i>
<i>45-64</i>	<i>Male</i>	<i>\$941.49</i>	<i>\$796.37</i>	<i>\$907.32</i>
	<i>Female</i>	<i>\$771.83</i>	<i>\$652.86</i>	<i>\$726.49</i>
<i>ACG—adjusted cells</i>				
<i>ACG 100, 200, 300, 500, 600, 1100, 1600, 2000, 2400, 3400, 5100, 5110, 5200</i>	<i>RAC 1</i>	<i>Both</i>	<i>\$90.91</i>	<i>\$75.31</i>
<i>ACG 400, 700, 900, 1000, 1200, 1300, 1710, 1711, 1712, 1800, 1900, 2100, 2200, 2300, 2800, 2900, 3000, 3100, 5310</i>	<i>RAC 2</i>	<i>Both</i>	<i>\$122.83</i>	<i>\$101.75</i>
<i>ACG 1720, 1721, 1722, 1731, 1732, 1730, 2500, 3200, 3300, 3500, 3800, 4210, 5230, 5339</i>	<i>RAC 3</i>	<i>Both</i>	<i>\$153.57</i>	<i>\$127.22</i>
<i>ACG 800, 1740, , 1741, 1742, 1750, 2700, 3600, 1750, 1751, 1752, 2700, 3600, 3700, 3900, 4000, 4100, 4220, 4310, 4410, 4510, 4610, 4710, 4720, 4810, 5340</i>	<i>RAC 4</i>	<i>Both</i>	<i>\$234.56</i>	<i>\$194.30</i>
<i>ACG 1400, 1500, 1750, 1761, 1762, 1770, 1771, 1772, 2600, 4320, 4520, 4620, 4820</i>	<i>RAC 5</i>	<i>Both</i>	<i>\$395.28</i>	<i>\$327.44</i>
<i>ACG 4330, 4420, 4830, 4910, 4920, 5010, 5020, 5040</i>	<i>RAC 6</i>	<i>Both</i>	<i>\$573.50</i>	<i>\$475.07</i>
<i>ACG 4430, 4730, 4930, 5030, 5050</i>	<i>RAC 7</i>	<i>Both</i>	<i>\$903.62</i>	<i>\$748.54</i>
<i>ACG 4940, 5060</i>	<i>RAC 8</i>	<i>Both</i>	<i>\$1,174.17</i>	<i>\$ 972.66</i>
<i>ACG 5070</i>	<i>RAC 9</i>	<i>Both</i>	<i>\$2,214.23</i>	<i>\$1,834.23</i>
<i>SOBRA Mothers</i>			<i>\$678.05</i>	<i>\$573.53</i>
<i>Persons with HIV</i>	<i>ALL</i>	<i>Both</i>	<i>\$668.66</i>	<i>\$668.66</i>

(b) Rate Table for Disabled Individuals

Effective August 1, 2010 — December 31, 2010

Age/RAC	Gender	PMPM Baltimore City	PMPM Allegany, Frederick, Garrett, Montgomery, Prince George's and Washington Counties	PMPM Rest Of State
<i>Under Age 1</i>	<i>Both</i>	<i>\$3,226.23</i>	<i>\$3,226.23</i>	<i>\$3,226.23</i>

PROPOSED ACTION ON REGULATIONS

	1-5	Male	\$862.67	\$862.67	\$862.67
		Female	\$1,017.16	\$1,017.16	\$1,017.16
	6-14	Male	\$218.44	\$218.44	\$218.44
		Female	\$240.88	\$240.88	\$240.88
	15-20	Male	\$174.25	\$174.25	\$174.25
		Female	\$212.95	\$212.95	\$212.95
	21-44	Male	\$1,219.03	\$1,031.13	\$1,101.60
	21-44	Female	\$1,179.53	\$997.71	\$1,080.73
	45-64	Male	\$1,969.47	\$1,665.90	\$1,742.39
	45-64	Female	\$1,832.27	\$1,549.84	\$1,662.29
ACG—adjusted cells					
ACG 100, 200, 300, 1100, 1300, 1400, 1500, 1600, 1710, 1711, 1712, 1720, 1721, 1722, 1730, 1731, 1732, 1900, 2400, 2600, 2900, 3400, 5100, 5110, 5200, 5310	RAC 10	Both	\$284.07	\$235.32	\$258.00
ACG 400, 500, 700, 900, 1000, 1200, 1740, 1741, 1742, 1750, 1751, 1752 1800, 2000, 2100, 2200, 2300, 2500, 2700, 2800, 3000, 3100, 3200, 3300, 3500, 3900, 4000, 4310, 5330	RAC 11	Both	\$369.24	\$305.87	\$327.53
ACG 600, 1760, 1761, 1762, 3600, 3700, 4100, 4320, 4410, 4710, 4810, 4820	RAC 12	Both	\$665.61	\$551.38	\$580.62
ACG 3800, 4210, 4220, 4330, 4420, 4720, 4910, 5320	RAC13	Both	\$720.02	\$596.45	\$620.42
ACG 800, 4430, 4510, 4610, 5040, 5340	RAC14	Both	\$1,007.97	\$834.98	\$865.29
ACG 1770, 1771, 1772, 4520, 4620, 4830, 4920, 5050	RAC15	Both	\$1,250.35	\$1,035.76	\$1,074.16
ACG 4730, 4930, 5010					
	RAC16	Both	\$1,333.93	\$1,105.00	\$1,137.39
ACG 4940, 5020, 5060	RAC17	Both	\$2,061.00	\$1,707.29	\$1,780.86
ACG 5030, 5070	RAC 18	Both	\$2,968.40	\$2,458.96	\$2,538.38
Persons with AIDS	All	Both	\$3,053.72	\$2,177.93	\$2,177.93
Persons with HIV	All	Both	\$1,680.42	\$1,680.42	\$1,680.42

(c) Rate Table for Supplemental Payment for Delivery/Newborn.

Effective August 1, 2010 — December 31, 2010

	Age/RAC	Gender	PMPM Baltimore City	PMPM Allegany, Frederick, Garrett, Montgomery, Prince George's and Washington Counties	PMPM Rest Of State
Supplemental Payment Cells					
Delivery/Newborn—all births except live birth weight 1,500 grams or less	All	Both	\$12,825.73	\$10,346.77	\$11,166.45
Delivery/Newborn—live birth weight 1,500 grams or less	All	Both	\$81,063.64	\$73,694.22	\$73,694.22

(d)—(g) (text unchanged)

(5) (text unchanged)

C.—D. (text unchanged)

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 15 FOOD

10.15.06 Production, Processing, Transportation, Storage, and Distribution of Grade A Milk

Authority: Health-General Article, §§2-104, 21-207, 21-208, 21-210, 21-211, 21-406 and 21-428, Annotated Code of Maryland

Notice of Proposed Action

[10-288-P-I]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .03 under **COMAR 10.15.06 Production, Processing, Transportation, Storage, and Distribution of Grade A Milk**.

Statement of Purpose

The purpose of this action is to incorporate by reference 2009 Revision of Grade “A” Pasteurized Milk Ordinance by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration. This updates Grade “A” Pasteurized Milk Ordinance from 2007 to 2009 Revision.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, 201 W. Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to regs@dhhm.state.md.us, or fax to 410-767-6483. Comments will be accepted through November 8, 2010. A public hearing has not been scheduled.

Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Grade “A” Pasteurized Milk Ordinance, 2009 Revision (U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 37:1 Md. R. 9 (January 4, 2010), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

.03 Incorporation by Reference.

In this chapter the following documents are incorporated by reference:

A. Grade “A” Pasteurized Milk Ordinance, [2007] 2009 Revision (U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration);

B. — C. (text unchanged)

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 18 HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION AND ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)

Notice of Proposed Action

[10-281-P]

The Secretary of Health and Mental Hygiene proposes to:

- (1) Repeal existing Regulations .01 —.20 under **COMAR 10.18.01 Maryland AIDS Insurance Assistance Program**; and
- (2) Amend Regulations .01 and .03 under **COMAR 10.18.07 Maryland AIDS Drug Assistance Program: Health Insurance (MADAP-PLUS)**.

Statement of Purpose

The purpose of this action is to repeal in their entirety Regulations .01 —.20 under COMAR 10.18.01 and amend Regulations .01 and .03 under COMAR 10.18.07. Health-General Article, §§15-201—15-205, Annotated Code of Maryland, which authorized the Maryland AIDS Insurance Assistance Program, have been abrogated. The proposed repeal and amendment reflect the abrogation.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499, or email to regs@dhhm.state.md.us, or fax to 410-767-6483. Comments will be accepted through November 8, 2010. A public hearing has not been scheduled.

10.18.07 Maryland AIDS Drug Assistance Program: Health Insurance (MADAP-PLUS)

Authority: Health-General Article, §§2-104(b) and (i) and 2-105(a) and (b), Annotated Code of Maryland

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) Applicant.

(a) “Applicant” means an individual who has submitted an application seeking assistance through the Maryland AIDS Drug Assistance Program—Plus (MADAP-Plus) [or the Maryland AIDS Insurance Assistance Program (MAIAP)] and has not yet been certified as eligible.

(b) (text unchanged)

(3)—(19) (text unchanged)

[(20) “Maryland AIDS Insurance Assistance Program (MAIAP)” means a program administered by the Department that

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provides in certain circumstances for the continuation of health insurance benefits for individuals who are HIV positive.]

[(21)] (20)—[(27)] (26) (text unchanged)

.03 Individuals Who Are Not Eligible.

An individual is not eligible for MADAP-Plus benefits if the individual is:

A. Eligible for:

(1) (text unchanged)

(2) Maryland Pharmacy Assistance Program; or

[B. Eligible for the Maryland AIDS Insurance Assistance Program (MAIAP); or]

[C.] B. (text unchanged)

JOHN M. COLMERS

Secretary of Health and Mental Hygiene

Subtitle 27 BOARD OF NURSING

10.27.11 Delegation of Nursing Functions

Authority: Health Occupations Article, §8-205(a)(1) and (2), Annotated Code of Maryland

Notice of Proposed Action

[10-289-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .02, .04, and .05 under **COMAR 10.27.11 Delegation of Nursing Functions**. This action was considered by the Board at a public meeting held on November 17, 2009, notice of which was given on November 1, 2009, by publication on the Board's website at www.BON.org under Board news.

Statement of Purpose

The purpose of this action is to provide the definition of "family" and clarify that it includes related family members, foster parents, domestic partners, and legal guardians. There was confusion as to whether foster parents were providing gratuitous care. Under COMAR 10.27.11.01B, family members providing gratuitous care are excluded from the requirement that they must be certified. The Board of Nursing wants to clarify that, for the purpose of this chapter, foster parents and legal guardians are included in the class of individuals providing gratuitous care. There was confusion as to whether foster parents were providing gratuitous care since they do receive monies from the State. It is not intended to waive any requirement for trained individuals who are paid for providing nursing care. In addition, cross-references are corrected in Regulations .04 and .05.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele A. Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to regs@dnhm.state.md.us, or fax to 410-767-6483. Comments will be accepted through November 8, 2010. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(7) (text unchanged)

(8) "*Family*" means *related family members, foster parents, domestic partners, and legal guardians*.

[(8)] (9)—[(23)] (24) (text unchanged)

.04 Supervision.

A.—B. (text unchanged)

C. For the client whose health status meets the criteria as stated in Regulation [.03G] .03F of this chapter, the registered nurse managing the case shall make a supervisory on-site visit to the client at a minimum of every 45 days to:

(1)—(5) (text unchanged)

D. For the client whom the registered nurse has determined does not meet the criteria as stated in Regulation [.03G] .03F of this chapter, the registered nurse shall:

(1)—(2) (text unchanged)

.05 Nursing Functions.

A.—G. (text unchanged)

H. Delegation of Medication Administration.

(1) The administration of medication as listed in §H(3) of this regulation may be delegated to certified medicine aides and medication technicians only in compliance with §H(2) of this regulation and when clients meet the requirements of Regulation [.03G] .03F or .04D of this chapter in the following situations:

(a)—(h) (text unchanged)

(2) (text unchanged)

(3) A nurse may delegate administration of the following medications to a medication technician or a certified medicine aide according to Regulations [.03G] .03F, .04C, and .05H(1) of this chapter:

(a)—(h) (text unchanged)

JOHN M. COLMERS

Secretary of Health and Mental Hygiene

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 11 MOTOR VEHICLE ADMINISTRATION — ADMINISTRATIVE PROCEDURES

11.11.05 Motor Vehicle Fees

Authority: Transportation Article, §§12-104(b) and 12-301, Annotated Code of Maryland

Notice of Proposed Action

[10-280-P]

The Administrator of the Motor Vehicle Administration proposes to amend Regulation .03 under **COMAR 11.11.05 Motor Vehicle Fees**.

Statement of Purpose

The purpose of this action is to amend regulations to set the fee charged for identification cards issued to eligible youths committed or placed on probation with the Department of Juvenile Services (DJS). The issuance of identification cards will provide individuals

who are returning from a residential placement or from prolonged detention a means of identification to seek jobs to provide income and become productive members of society.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. There is a potential \$5,040 annual decrease in revenues to the Motor Vehicle Administration (MVA) for the issuance of identification cards to approximately 360 eligible youths under this program at the cost of \$1 opposed to a \$15 fee for an identification card.

The Department of Juvenile Services (DJS) expenditures would increase by an estimated \$360 annually based on the \$1 fee for identification cards issued to an estimated 360 eligible youths.

In addition, the decreased cost to the public is approximately \$5,400 resulting from the \$15 reduction in the fee charged for identification (ID) cards issued to eligible youths within the DJS.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	

A. On issuing agency:
Motor Vehicle Administration
Identification Cards (R-) \$5,040

B. On other State agencies:
Department of Juvenile
Services (E+) \$360

C. On local governments: NONE

Benefit (+)	Magnitude
Cost (-)	

D. On regulated industries or
trade groups: NONE

E. On other industries or trade
groups: NONE

F. Direct and indirect effects on public:
Identification Cards (+) \$5,400

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. The \$5,040 decrease in revenue to the MVA is based on the \$14 decrease in the fee for an identification card (\$1 fee opposed to a \$15 fee) multiplied by 360. According to the Interagency Agreement between the MVA and the DJS, "no more than 30" eligible youths per month would be issued ID cards under this program. Based on these assumptions, the annual revenue loss is estimated at \$5,040 (360 youths × \$14 fee reduction).

B. The \$360 increase in expenditures to the Department of Juvenile Services is based on the \$1 fee for an identification card multiplied by 360, the eligible youths allowed under this program annually. (\$1 × 360 = \$360).

F. The \$5,400 decrease in cost to the public for eligible youths within DJS is based on the reduced fee of \$1 to be paid by the DJS. In essence, the eligible youth involved in this program would be receiving a \$15 value at no cost; therefore, the annual benefit to the

public is \$5,400 (360 youth × \$15 value).

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Carolyn Decker, Regulation Coordinator, Motor Vehicle Administration, Room 200, 6601 Ritchie Highway, N.E., Glen Burnie, MD 21062, or call 410-424-3105, or email to cdecker@mdot.state.md.us, or fax to 410-768-7506. Comments will be accepted through November 8, 2010. A public hearing has not been scheduled.

.03 Driver's License and Identification Card Fees.

Service	Section	Fee
A.—F. (text unchanged)		
G. Identification Card:		
(1) — (3) (text unchanged)		
(4) <i>New or corrected issued to youths approved by the Department of Juvenile Services</i>	12-301	1
H. (text unchanged)		

JOHN T. KUO
Administrator

Motor Vehicle Administration

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 10 HEALTH INSURANCE— GENERAL

31.10.12 Uniform Consultation Referral [Form]

Authority: Insurance Article, §§2-109 and 15-120, Annotated Code of Maryland

Notice of Proposed Action

[10-284-P]

The Acting Insurance Commissioner in consultation with the Maryland Health Care Commission proposes to amend Regulations .02, .03, and .05—.08 under **COMAR 31.10.12 Uniform Consultation Referral**.

Statement of Purpose

The purpose of this action is to amend the regulations pertaining to the Uniform Consultation Form to allow for electronic transmission. Insurance Article, §15-120, Annotated Code of Maryland, was amended during the 2010 Maryland legislative session to require the Maryland Insurance Administration to allow electronic transmission of the Uniform Consultation Referral Form. The amendments to the regulations are required by the new version of Insurance Article, §15-120, Annotated Code of Maryland.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Alexis E. Gibson, Regulations Coordinator, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore MD 21202, or call (410) 468-2011, or email to agibson@mdinsurance.state.md.us, or fax to (410) 468-2020. Comments will be accepted through November 8, 2010. A public hearing has not been scheduled.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) "Consultant/facility provider" means:

(a) A person licensed or certified under [the] Health Occupations Article, Annotated Code of Maryland, who receives a [written consultation] referral *from a primary or requesting provider*; or

(b) Hospitals and related institutions that receive a [written consultation] referral *from a primary or requesting provider*.

(3) — (5) (text unchanged)

(6) "Uniform consultation referral form" means:

(a) For dentists referring patients for dental care procedures or services, the Maryland Uniform Dental Consultation Referral Form *or its electronic equivalent* shown in Regulation .08 of this chapter; or

(b) For all other health care professionals referring patients for health, medical, or dental care procedures or services, the Maryland Uniform Consultation Referral Form or its electronic equivalent shown in Regulation.06[D] of this chapter.

.03 Uniform Consultation Referral Form —Carrier Requirements.

A. If a carrier requires a covered person to have a [written] referral in order to receive services, the carrier shall use the uniform consultation referral form as defined in Regulation .02B[(6)] of this chapter.

B. The carrier may not impose as a condition of coverage a requirement to:

(1) Modify the uniform consultation referral form, except as provided in [§D] §E of this regulation; or

(2) (text unchanged)

C. The carrier may provide a separate set of instructions for [use by the health care provider regarding the carrier's specific managed

care requirements, and the] *properly completing the Uniform Consultation Referral Form*.

D. *For the uniform consultation referral form, the carrier's specific instructions [may be]:*

(1) *If applicable, may be* preprinted on the back of the uniform consultation referral form, if the instructions do not result in any modifications in the format of, or information categories directed to be supplied on the front of, the uniform consultation referral form[.]; and

(2) *Shall be made available to primary or requesting providers on the carrier's website.*

[D.] E. — [E.] F. (text unchanged)

.05 Uniform Consultation Referral Form—Consultant/Facility Provider.

The consultant/facility provider shall accept a properly completed uniform consultation referral form [for the services indicated on the form].

.06 General Provisions.

[A. The uniform consultation referral form may be submitted by electronic transfer.

B. The regulations in this chapter are applicable for consultation forms used on or after October 1, 1996.]

[C.] A. The requirements under these regulations do not apply to an entity that would be using a consultation form solely for internal purposes.

[D] B. (text unchanged)

C. *The electronic equivalent of the uniform consultation referral form is as follows:*

<i>Electronic Equivalent of the Uniform Consultation Referral Form</i>			
<i>Field</i>	<i>Length</i>	<i>Start</i>	<i>Stop</i>
1 - Patient last name	18	1	18
2 - Patient first name	12	19	30
3 - Patient MI	1	31	31
4 - Patient DOB	8	32	39
5 - Patient phone number	10	40	49
6 - Patient member number	16	50	65
7 - Patient site number	10	66	75
8 - Carrier name	24	76	99
9 - Carrier address 1	24	100	123
10 - Carrier address 2	24	124	147
11 - Carrier city	24	148	171
12 - Carrier state	2	172	173
13 - Carrier zip code	9	174	182
14 - Carrier phone number	10	183	192
15 - Carrier fax number	10	193	202
16 - Primary/requesting provider last name	18	203	220
17 - Primary/requesting provider first name	12	221	232
18 - Primary/requesting provider MI	1	233	233
19 - Primary/requesting provider specialty	25	234	258

20 - Primary/requesting provider institution/group name	80	259	338
21 - Primary/requesting provider NPI #	10	339	348
22 - Primary/requesting provider address 1	24	349	372
23 - Primary/requesting provider address 2	24	373	396
24 - Primary/requesting provider city	24	397	420
25 - Primary/requesting provider state	2	421	422
26 - Primary/requesting provider zip	9	423	431
27 - Primary/requesting provider phone	10	432	441
28 - Primary/requesting provider fax	10	442	451
29 - Consultant/facility provider last name	18	452	469
30 - Consultant/facility provider first name	12	470	481
31 - Consultant/facility provider MI	1	482	482
32 - Consultant/facility provider specialty	25	483	507
33 - Consultant/facility provider institution/group name	80	508	587
34 - Consultant/facility provider NPI #	10	588	597
35 - Consultant/facility provider address 1	24	598	621
36 - Consultant/facility provider address 2	24	622	645
37 - Consultant/facility provider city	24	646	669
38 - Consultant/facility provider state	2	670	671
39 - Consultant/facility provider zip	9	672	680
40 - Consultant/facility provider phone	10	681	690
41 - Consultant/facility provider fax	10	691	700
42 - Reasons for referral	80	701	780
43 - Brief history, dx, results or attachment	120	781	900
44 - Service desired - code	2	901	902
45 - Place of service - code	2	903	904
46 - Number of visits	2	905	906
47 - Authorization number	10	907	916
48 - Referral validity date	8	917	924
49 - Signature/electronic person completing the form	30	925	954
50 - Authorized signature/electronic	30	955	984
Referral certification is not a guarantee of payment. Payment of benefits is subject to a member's eligibility on the date that the service is rendered and to any other contractual provision of the plan/carrier.			

.07 Electronic Transfer of the Uniform Consultation Referral Form.

A. [The uniform consultation referral form may be transmitted by facsimile.

B.] A transmission by facsimile is not considered an electronic transfer for the purposes of this chapter.

C. [The uniform consultation referral form developed under this chapter shall be capable of electronic transfer. The uniform consultation referral form may be transmitted electronically in any format which contains, at a minimum, the data required to be contained in the uniform consultation referral form.] *A carrier shall accept the electronic transfer of the uniform consultation referral form.*

.08 Uniform Consultation Referral Form—Required Forms.

A. The Maryland Uniform Dental Consultation Referral Form shall read as follows:

(PDF unchanged)

B. *The electronic equivalent of the uniform consultation referral form is as follows:*

Uniform Dental Consultation Referral			
Field	Length	Start	Stop
1 - Patient last name	18	1	18
2 - Patient first name	12	19	30
3 - Patient MI	1	31	31
4 - Patient DOB	8	32	39
5 - Patient phone number	10	40	49
6 - Patient member number	16	50	65
7 - Patient site number	10	66	75
8 - Carrier name	24	76	99
9 - Carrier address 1	24	100	123
10 - Carrier address 2	24	124	147
11 - Carrier city	24	148	171
12 - Carrier state	2	172	173
13 - Carrier zip code	9	174	182
14 - Carrier phone number	10	183	192
15 - Carrier fax number	10	193	202
16 - Primary/requesting dentist last name	18	203	220
17 - Primary/requesting dentist first name	12	221	232
18 - Primary/requesting dentist MI	1	233	233
19 - Primary/requesting dentist specialty	25	234	258
20 - Primary/requesting dentist institution/group name	80	259	338
21 - Primary/requesting dentist NPI #	10	339	348
22 - Primary/requesting dentist address 1	24	349	372
23 - Primary/requesting dentist address 2	24	373	396

24 - Primary/requesting dentist city	24	397	420
25 - Primary/requesting dentist state	2	421	422
26 - Primary/requesting dentist zip	9	423	431
27 - Primary/requesting dentist phone	10	432	441
28 - Primary/requesting dentist fax	10	442	451
29 - Specialist dentist last name	18	452	469
30 - Specialist dentist first name	12	470	481
31 - Specialist dentist MI	1	482	482
32 - Specialist dentist specialty	25	483	507
33 - Specialist dentist institution/group name	80	508	587
34 - Specialist dentist NPI #	10	588	597
35 - Specialist dentist address 1	24	598	621
36 - Specialist dentist address 2	24	622	645
37 - Specialist dentist city	24	646	669
38 - Specialist dentist state	2	670	671
39 - Specialist dentist zip	9	672	680
40 - Specialist dentist phone	10	681	690
41 - Specialist dentist fax	10	691	700
42 - Reasons for referral	80	701	780
43 - Brief history, dx, results or attachment	120	781	900
44 - Service desired - code	2	901	902
45 - Place of service - code	2	903	904
46 - Teeth diagram - attachment	2	905	906
47 - Authorization number	10	907	916
48 - Referral validity date	8	917	924
49 - Signature/electronic person completing the form	30	925	954
50 - Authorized signature/electronic	30	955	984
Referral certification is not a guarantee of payment. Payment of benefits is subject to a member's eligibility on the date that the service is rendered and to any other contractual provision of the plan/carrier.			

ELIZABETH SAMMIS
Acting Insurance Commissioner

Subtitle 11 HEALTH INSURANCE — GROUP

31.11.06 Comprehensive Standard Health Benefit Plan

Authority: Health-General Article, §§19-103(c)(6) and 19-108; Insurance Article, §§2-108, 2-109, and 15-1207, Annotated Code of Maryland

Notice of Proposed Action

[10-279-P]

The Maryland Insurance Administration and the Maryland Health Care Commission proposes to amend Regulations .02, .04, .05, .09, and .11 and adopt new Regulation .03-1 under **COMAR 31.11.06 Comprehensive Standard Health Benefit Plan**. This action was considered by the Commission at an open meeting on August 19, 2010 at the Commission's Offices at 4160 Patterson Avenue, Baltimore, Maryland 21215, pursuant to State Government Article §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to bring the Comprehensive Standard Health Benefit Plan (CSHBP) into concordance with the federally mandated provisions of the Patient Protection and Affordable Care Act (PPACA) that become effective September 23, 2010.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Rex W. Cowdry, M.D., Executive Director, Maryland Health Care Commission, 4160 Patterson Avenue Baltimore, Maryland 21215, or call (410) 764-3460, or fax to (410) 358-8811. Comments will be accepted through November 8, 2010. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Commission during a public meeting to be held on November 18, 2010, at 1 p.m., at 4160 Patterson Avenue, Conference Room 100, Baltimore, Maryland 21215.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Anniversary date" means the date that is the same date, excluding year, as the effective date of the health benefit plan.

[(1)] (2) — [(11)] (12) (text unchanged)

[(12)] (13) Dependent Child.

(a) For plan years beginning before September 23, 2010, "[Dependent] dependent child" means an individual who is unmarried, younger than 25 years old, a dependent of the covered employee as that term is used in 26 U.S.C §§104, 105, and 106, and any regulations adopted under those sections, and is a:

(i) — (iv) (text unchanged)

(b) For plan years beginning on or after September 23, 2010, “dependent child” means an individual who is younger than 26 years old and is a:

(i) Biological child, stepchild, grandchild, or foster child of the covered employee;

(ii) Lawfully adopted child of the covered employee or, from the date of placement, a child in the process of being adopted by the covered employee;

(iii) Child for whom the covered employee has been granted legal custody, including custody as a result of a guardianship, other than a temporary guardianship of less than 12 months duration, by a court or testamentary appointment; or

(iv) Child for whom the covered person has the legal obligation to provide coverage pursuant to a court-ordered, court-approved agreement, or testamentary appointment.

[(b)] (c) Notwithstanding the age limitation stated in [§B(12)(a)] §B(13)(a) and (b) of this regulation, “dependent child” includes an unmarried child who is dependent upon the covered employee for more than 50 percent of the child’s support and who, at the time of reaching the age limitation set forth in [§B(12)(a)] §B(13)(a) or (b) of this regulation, is incapable of self-support because of mental or physical incapacity that began before the dependent child’s attaining the limiting age.

[(13)] (14) — [(14)] (15) (text unchanged)

(16) (text unchanged)

(17) “Emergency medical condition” means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) so that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in:

(a) Placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy;

(b) Serious impairment to bodily functions; or

(c) Serious dysfunction of any bodily organ or part.

[(15)] (18) “Emergency services” [has the meaning stated in Health-General Article, §19-701, Annotated Code of Maryland] means, with respect to an emergency medical condition:

(a) A medical screening examination (as required under section 1867 of the Social Security Act, 42 U.S.C. 1395dd) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate the emergency medical condition; and

(b) Such further medical examination and treatment, to the extent they are within the capabilities of the staff and facilities available at the hospital, as are required under section 1867 of the Social Security Act (42 U.S.C. 1395dd(e)(3)).

[(17)] (19) — [(47)] (49) (text unchanged)

(50) “Plan year” means a 12-month period that begins:

(a) For the first year of the plan, on the effective date of the plan; and

(b) For plans that have been in effect for 1 year or longer, on the anniversary date of the plan.

[(48)] (51) — [(61)] (64) (text unchanged)

.03-1 Covered Services — Preventive Care Services.

A. This regulation applies to plans with plan years that begin on or after September 23, 2010.

B. The benefits required by Regulation .03A(9), (9-1), (9-2), (10), (31) and (33), Regulation .04F(5)(e) and (6)(e), and Regulation .05I of this chapter do not apply to plans with plan years that begin on or after September 23, 2010.

C. Plans that are subject to this regulation shall provide benefits for the following preventive care services:

(1) Except as provided in §D of this regulation, evidence-based items or services that have in effect a rating of A or B in the current recommendations of the United States Preventive Services Task Force;

(2) Immunizations for routine use in children, adolescents, and adults that have in effect a recommendation from the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention with respect to the individual involved;

(3) With respect to infants, children, and adolescents, evidence-informed preventive care and screenings provided for in the comprehensive guidelines supported by the Health Resources and Services Administration; and

(4) With respect to women, to the extent not described in §C(1) of this regulation, evidence-informed preventive care and screenings as provided for in comprehensive guidelines supported by the Health Resources and Services Administration.

D. For the purposes of §C(1) of this regulation, recommendations of the United States Preventive Services Task Force regarding breast cancer screening, mammography, and prevention issued in or around November 2009 are not considered to be current.

E. For the purposes of §C(2) of this regulation, a recommendation from the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention is considered to be:

(1) In effect after it has been adopted by the director of the Centers for Disease Control and Prevention; and

(2) For routine use if it is listed on the immunization schedules of the Centers for Disease Control and Prevention.

F. Cost Sharing Requirements.

(1) Except as described §F(2) and (3) of this regulation, a carrier may not impose any cost sharing requirements, such as copayment amounts, coinsurance amounts, or deductible amounts, on the preventive care services required under §C of this regulation.

(2) If a carrier’s plan permits individuals covered under the plan to receive services from nonparticipating providers, the carrier may impose a carrier’s coinsurance percentage of 60 percent of allowable charges.

(3) If a new recommendation or guideline described in §C of this regulation is issued after the effective date of the plan, the new recommendation or guideline shall apply the first plan year that begins on the date that is 1 year after the date the recommendation or guideline is issued.

.04 Uniform Cost-Sharing Arrangements—In General.

A. — E. (text unchanged)

F. For each of the delivery systems identified, the following general cost-sharing requirements apply:

(1) Indemnity:

(a) — (b) (text unchanged)

(c) Lifetime maximum of:

(i) For plan years beginning before September 23, 2010, \$2 million per covered person; and

(ii) For plan years beginning on or after September 23, 2010, unlimited;

(d) (text unchanged)

(2) Preferred provider organizations:

(a) — (c) (text unchanged)

(d) Lifetime maximum of [\$2 million per covered person;]:

(i) For plan years beginning before September 23, 2010, \$2 million per covered person; and

(ii) For plan years beginning on or after September 23, 2010, unlimited;

(e) — (f) (text unchanged)

(3) Point-of-service when delivered in conjunction with preferred provider:

(a) — (b) (text unchanged)

(c) Lifetime maximum of:

(i) *For plan years beginning before September 23, 2010, \$2 million per covered person; and*

(ii) *For plan years beginning on or after September 23, 2010, unlimited;*

(d) — (e) (text unchanged)

(4) — (6) (text unchanged)

(7) Triple option point-of-service:

(a) — (c) (text unchanged)

(d) [A lifetime maximum of] *For plan years beginning before September 23, 2010, a \$2 million lifetime maximum per covered person is applicable to the indemnity and preferred provider portions of the triple option;*

(e) *For plan years beginning on or after September 23, 2010, a lifetime maximum may not apply to the indemnity and preferred portions of the triple option;*

[(e)] (f) (text unchanged)

(8) Exclusive provider:

(a) — (c) (text unchanged)

(d) There shall be a lifetime maximum of [\$2,000,000 per covered person;]:

(i) *For plan years beginning before September 23, 2010, \$2 million per covered person; and*

(ii) *For plan years beginning on or after September 23, 2010, unlimited;*

(e) — (f) (text unchanged)

.05 Uniform Cost-Sharing Arrangements—Specific Services.

A. — G. (text unchanged)

H. For prescription drugs:

(1) (text unchanged)

(2) Persons enrolled under a HSA-compatible delivery system shall satisfy the deductible set forth in Regulation .04F(2)(b) or [(5)] (6) of this chapter as a prerequisite to receiving prescription drug benefits;

(3) (text unchanged)

I. — K. (text unchanged)

.09 Mandated Benefits.

A. — D. (text unchanged)

E. Referrals to Specialists. Each carrier:

(1) — (2) (text unchanged)

(3) [Shall] *For plan years beginning before September 23, 2010, shall provide direct access to obstetric and gynecological care as specified in Insurance Article, §15-816, Annotated Code of Maryland; and*

(4) *For plan years beginning on or after September 23, 2010, shall provide direct access to obstetric and gynecological care as specified in 45 CFR 147.138(a)(3).*

.11 Pre-Existing Conditions.

A. A carrier may not apply a preexisting condition provision to health care services for pregnancy or newborns, or to children younger than 19 years old.

B. [For] *Except as provided in §A of this regulation, for contracts issued or renewed on or after October 1, 2009, an insurer or non-profit health service plan may impose a preexisting condition provision in accordance with Insurance Article, §15-508, Annotated Code of Maryland.*

C. (text unchanged)

ELIZABETH SAMMIS

Acting Commissioner
Maryland Insurance Administration

MARILYN MOON, PH.D.

Chair
Maryland Health Care Commission

Errata

COMAR 10.58.11.02

At 37:18 Md. R. 1238 (August 27, 2010), column 1, lines 25 and 26 from the top:

For: (i) *Telephone supervision; or*
(ii) *Video conferencing.*

Read: (i) *Telephone supervision;*
(ii) *Video conferencing; or*

At 37:18 Md. R. 1238 (August 27, 2010), column 1, after line 26 from the top:

Insert: (iii) *Internet communication.*

At 37:18 Md. R. 1238 (August 27, 2010), column 1, line 11 from the bottom:

Delete: (iii) *Internet communication.*

[10-21-29]

COMAR 30.02.02

At 37:20 Md. R. 1396 (September 24, 2010), column 1, line 15 from the top:

For: **Certification.** This action, which was proposed for adoption in 37:6

Read: **Certification.** This action, which was proposed for adoption in 37:16

[10-21-43]

Special Documents

DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

Notice of Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice of Approved Projects.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATE: August 1, 2010, through August 31, 2010.

ADDRESS: Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238-0423, ext. 306; fax: (717) 238-2436; e-mail: rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, telephone: (717) 238-0423, ext. 304; fax: (717) 238-2436; e-mail: srichardson@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22(e) and 18 CFR §806.22(f) for the time period specified above:

Approvals By Rule Issued Under 18 CFR §806.22(e):

Johnson & Johnson, Pad ID: McNeil PPC Facility, ABR-201008002, Lititz Borough, Lancaster County, Pa.; Consumptive Use of up to 0.350 mgd; Approval Date: August 3, 2010.

Approvals By Rule Issued Under 18 CFR §806.22(f):

Citrus Energy Corporation, Pad ID: Ruark East 1 IH, ABR-201008001, Washington Township, Wyoming County, Pa.; Consumptive Use of up to 5.000 mgd; Approval Date: August 1, 2010.

East Resources Management, LLC, Pad ID: McNett 708, ABR-201008003, Liberty Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: August 3, 2010.

East Resources Management, LLC, Pad ID: Clark 392, ABR-201008004, Delmar Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: August 3, 2010.

East Resources Management, LLC, Pad ID: Miller 394, ABR-201008005, Delmar Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: August 3, 2010.

Carrizo Marcellus, LLC, Pad ID: Bonnice, ABR-201008006, Jessup Township, Susquehanna County, Pa.; Consumptive Use of up to 1.400 mgd; Approval Date: August 3, 2010.

Anadarko E&P Company, LP, Pad ID: COP Tract 285 Pad F, ABR-201008007, Chapman Township, Clinton County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 3, 2010, including a partial waiver of 18 CFR §806.15.

Chief Oil & Gas, LLC, Pad ID: Marquardt Drilling Pad #1, ABR-201008008, Davidson Township, Sullivan County, Pa.;

Consumptive Use of up to 2.000 mgd; Approval Date: August 3, 2010.

Cabot Oil & Gas Corporation, Pad ID: PlonskiJ P1, ABR-201008009, Brooklyn Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: August 3, 2010.

Chesapeake Appalachia, LLC, Pad ID: Warren, ABR-201008010, Windham Township, Wyoming County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 3, 2010.

Chesapeake Appalachia, LLC, Pad ID: Lambert Farms, ABR-201008011, Forks Township, Sullivan County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 3, 2010.

Chesapeake Appalachia, LLC, Pad ID: Lee, ABR-201008012, Asylum Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 3, 2010.

Anadarko E&P Company, LP, Pad ID: COP Tract 285 Pad D, ABR-201008013, Chapman Township, Clinton County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 2, 2010.

Cabot Oil & Gas Corporation, Pad ID: WoodW P1, ABR-201008014, Jessup Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: August 2, 2010.

Chesapeake Appalachia, LLC, Pad ID: Slumber Valley, ABR-201008015, Meshoppen Township, Wyoming County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 3, 2010.

Anadarko E&P Company, LP, Pad ID: Charles J McNamee Pad B, ABR-201008016, Cascade Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 3, 2010.

Anadarko E&P Company, LP, Pad ID: Elbow Pad C, ABR-201008017, Cogan House Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 3, 2010.

Anadarko E&P Company, LP, Pad ID: COP Tract 285 Pad H, ABR-201008018, Chapman Township, Clinton County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 3, 2010, including a partial waiver of 18 CFR §806.15.

Anadarko E&P Company, LP, Pad ID: COP Tract 344 Pad B, ABR-201008019, Grugan Township, Clinton County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 3, 2010, including a partial waiver of 18 CFR §806.15.

Anadarko E&P Company, LP, Pad ID: COP Tract 356 Pad H, ABR-201008020, Cummings Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 3, 2010, including a partial waiver of 18 CFR §806.15.

Anadarko E&P Company, LP, Pad ID: Jack L Hipple Pad A, ABR-201008021, Gamble Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 3, 2010.

Talisman Energy USA, Inc., Pad ID: 05 009 Alderson V, ABR-201008022, Pike Township, Bradford County and Middletown Township, Susquehanna County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 3, 2010.

Talisman Energy USA, Inc. Pad ID: 02 100 Detweiler R, ABR-201008023, Covington Township, Tioga County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 3, 2010.

Anadarko E&P Company, LP, Pad ID: Maurice D Bieber Pad A, ABR-201008024, Cascade Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 3, 2010.

- Chesapeake Appalachia, LLC, Pad ID: JoancClark, ABR-201008025, Fox Township, Sullivan County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 4, 2010.
- Chesapeake Appalachia, LLC, Pad ID: Felter-NEW, ABR-201008026, Wyalusing Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 5, 2010.
- EOG Resources, Inc. Pad ID: COP Pad C, ABR-201008027, Lawrence Township, Clearfield County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 6, 2010, including a partial waiver of 18 CFR §806.15.
- Anadarko E&P Company, LP, Pad ID: Don J Davis Pad A, ABR-201008028, Gamble Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 6, 2010.
- Anadarko E&P Company, LP, Pad ID: COP Tract 290 Pad B, ABR-201008029, McHenry Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 6, 2010, including a partial waiver of 18 CFR §806.15.
- Anadarko E&P Company, LP, Pad ID: COP Tract 289 Pad D, ABR-201008030, McHenry Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 6, 2010, including a partial waiver of 18 CFR §806.15.
- East Resources Management, LLC, Pad ID: Heyler 748, ABR-201008031, Morris and Liberty Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: August 6, 2010.
- East Resources Management, LLC, Pad ID: Bauer 849, ABR-201008032, Middlebury Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: August 6, 2010.
- East Resources Management, LLC, Pad ID: Davis 829, ABR-201008033, Farmington Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: August 6, 2010.
- East Resources Management, LLC, Pad ID: Fish 301, ABR-201008034, Richmond Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: August 6, 2010.
- EOG Resources, Inc., Pad ID: SG Pad P, ABR-201008035, Jones Township, Elk County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 6, 2010, including a partial waiver of 18 CFR §806.15.
- Talisman Energy USA, Inc., Pad ID: 02 202 DCNR 594, ABR-201008036, Liberty Township, Tioga County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 6, 2010.
- Talisman Energy USA, Inc., Pad ID: 02 201 DCNR 594, ABR-201008037, Liberty Township, Tioga County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 6, 2010.
- Chesapeake Appalachia, LLC, Pad ID: Lattimer, ABR-201008038, Litchfield Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 6, 2010.
- Chesapeake Appalachia, LLC, Pad ID: Danilchuk, ABR-201008039, Wilmot Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 11, 2010.
- Talisman Energy USA, Inc., Pad ID: 02 205 DCNR 594, ABR-201008040, Bloss Township, Tioga County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 9, 2010.
- Talisman Energy USA, Inc., Pad ID: 02 204 DCNR 594, ABR-201008041, Bloss Township, Tioga County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 9, 2010.
- Talisman Energy USA, Inc., Pad ID: 02 203 DCNR 594, ABR-201008042, Liberty Township, Tioga County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 9, 2010.
- Seneca Resources Corporation, Pad ID: DCNR Tract 595 Pad I, ABR-201008043, Bloss Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: August 9, 2010.
- Seneca Resources Corporation, Pad ID: DCNR Tract 595 Pad F, ABR-201008044, Bloss Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: August 9, 2010, including a partial waiver of 18 CFR §806.15.
- Seneca Resources Corporation, Pad ID: DCNR Tract 007 1H, ABR-201008045, Shippen Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: August 10, 2010, including a partial waiver of 18 CFR §806.15.
- EOG Resources, Inc., Pad ID: WOOD 1H Pad, ABR-201008046, Ridgebury Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 10, 2010.
- EOG Resources, Inc., Pad ID: Otten Pad, ABR-201008047, Ridgebury Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 10, 2010.
- EOG Resources, Inc., Pad ID: REITER 1H Pad, ABR-201008048, Ridgebury Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 10, 2010.
- EOG Resources, Inc. Pad ID: SGL 90A Pad, ABR-201008049, Lawrence Township, Clearfield County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 30, 2010.
- Chesapeake Appalachia, LLC, Pad ID: Moore Farm, ABR-201008050, Canton Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 10, 2010.
- Pennsylvania General Energy Co., LLC, Pad ID: COP Tract 729 Pad C, ABR-201008051, Cummings Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 10, 2010, including a partial waiver of 18 CFR §806.15.
- Pennsylvania General Energy Co., LLC, Pad ID: COP Tract 729 Pad D, ABR-201008052, Cummings Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 10, 2010, including a partial waiver of 18 CFR §806.15.
- EOG Resources, Inc. Pad ID: GARVER Pad, ABR-201008053, Ridgebury Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 10, 2010.
- EOG Resources, Inc. Pad ID: JANOWSKY 1H, ABR-201008054, Ridgebury Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 10, 2010.
- Anadarko E&P Company, LP, Pad ID: Elbow Pad A, ABR-201008055, Cogan House Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 10, 2010.
- Anadarko E&P Company, LP, Pad ID: Brian K Frymire Pad A, ABR-201008056, Cascade Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 10, 2010.
- Anadarko E&P Company, LP, Pad ID: Thomas E Smith Pad A, ABR-201008057, Gamble Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 11, 2010.
- EXCO Resources (PA), Inc., Pad ID: COP Tract 706 (Pad 7), ABR-201008058, Burnside Township, Centre County, Pa.; Consumptive Use of up to 8.000 mgd; Approval Date: August 10, 2010, including a partial waiver of 18 CFR §806.15.
- EXCO Resources (PA), Inc., Pad ID: COP Tract 706 (Pad 8), ABR-201008059, Burnside Township, Centre County, Pa.; Consumptive Use of up to 8.000 mgd; Approval Date: August 10, 2010, including a partial waiver of 18 CFR §806.15.
- EXCO Resources (PA), Inc., Pad ID: COP Tract 706 (Pad 9), ABR-201008060, Burnside Township, Centre County, Pa.; Consumptive

- Use of up to 8.000 mgd; Approval Date: August 10, 2010, including a partial waiver of 18 CFR §806.15.
- EXCO Resources (PA), Inc., Pad ID: COP Tract 706 (Pad 10), ABR-201008061, Burnside Township, Centre County, Pa.; Consumptive Use of up to 8.000 mgd; Approval Date: August 10, 2010, including a partial waiver of 18 CFR §806.15.
- EXCO Resources (PA), Inc., Pad ID: COP Tract 706 (Pad 25), ABR-201008062, Burnside Township, Centre County, Pa.; Consumptive Use of up to 8.000 mgd; Approval Date: August 10, 2010, including a partial waiver of 18 CFR §806.15.
- EOG Resources, Inc. Pad ID: Manzek Land Pad, ABR-201008063, Ridgebury Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 11, 2010.
- Seneca Resources Corporation, Pad ID: Wolfinger Pad A, ABR-201008064, Shippen Township, Cameron County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: August 11, 2010.
- Seneca Resources Corporation, Pad ID: Covington Pad L, ABR-201008065, Covington Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: August 11, 2010.
- Chesapeake Appalachia, LLC, Pad ID: Atgas, ABR-201008066, Leroy Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 10, 2010.
- Chesapeake Appalachia, LLC, Pad ID: Roundtop, ABR-201008067, Colley Township, Sullivan County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 11, 2010, including a partial waiver of 18 CFR §806.15.
- Chesapeake Appalachia, LLC, Pad ID: Aikens, ABR-201008068, Litchfield Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 10, 2010.
- Talisman Energy USA, Inc., Pad ID: DCNR 587 02 003, ABR-201008069, Ward Township, Tioga County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 11, 2010, including a partial waiver of 18 CFR §806.15.
- Talisman Energy USA, Inc., Pad ID: 02 012 DCNR 587, ABR-201008070, Ward Township, Tioga County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 11, 2010, including a partial waiver of 18 CFR §806.15.
- Talisman Energy USA, Inc., Pad ID: 02 016 DCNR 587, ABR-201008071, Ward Township, Tioga County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 11, 2010, including a partial waiver of 18 CFR §806.15.
- Talisman Energy USA, Inc., Pad ID: DCNR 587 02 019, ABR-201008072, Ward Township, Tioga County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 11, 2010, including a partial waiver of 18 CFR §806.15.
- East Resources Management, LLC, Pad ID: Fuleihan 417, ABR-201008073, Delmar Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: August 11, 2010.
- East Resources Management, LLC, Pad ID: Baker 897, ABR-201008074, Deerfield Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: August 11, 2010.
- Range Resources – Appalachia, LLC, Pad ID: Gulf USA #40H Drilling Pad, ABR-201008075, Snow Shoe Township, Centre County, Pa.; Consumptive Use of up to 5.000 mgd; Approval Date: August 11, 2010.
- Talisman Energy USA, Inc., Pad ID: 05-003 Edsell C, ABR-201008076, Pike Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 11, 2010.
- Anadarko E&P Company, LP, Pad ID: George E Hagemeyer Pad A, ABR-201008077, Gamble Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 11, 2010.
- Anadarko E&P Company, LP, Pad ID: Wallis Run HC Pad A, ABR-201008078, Cascade Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 12, 2010.
- EOG Resources, Inc. Pad ID: KINGSLEY 4H, ABR-201008079, Springfield Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 12, 2010.
- EOG Resources, Inc. Pad ID: KINGSLEY 5H, ABR-201008080, Springfield Township, Bradford County, Pa.; Consumptive use of Up to 4.999 mgd; Approval Date: August 12, 2010.
- EOG Resources, Inc. Pad ID: KINGSLEY 6H, ABR-201008081, Springfield Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 12, 2010.
- EOG Resources, Inc. Pad ID: Rightmire 1H Pad, ABR-201008082, Ridgebury Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 12, 2010.
- EOG Resources, Inc. Pad ID: RIGHTMIRE 2H Pad, ABR-201008083, Ridgebury Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 12, 2010.
- EOG Resources, Inc. Pad ID: Beardslee 1V Pad, ABR-201008084, Springfield Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 12, 2010.
- EOG Resources, Inc. Pad ID: BEARDSLEE 2H Pad, ABR-201008085, Springfield Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 12, 2010.
- EOG Resources, Inc. Pad ID: Dodge Pad, ABR-201008086, Springfield Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 12, 2010.
- EOG Resources, Inc. Pad ID: MELCHIONNE 1H Pad, ABR-201008087, Ridgebury Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 12, 2010.
- Southwestern Energy Production Company, Pad ID: Chamberlin, ABR-201008088, Stevens Township, Bradford County, Pa.; Consumptive Use of up to 4.990 mgd; Approval Date: August 12, 2010.
- Talisman Energy USA, Inc., Pad ID: Roy 03 062, ABR-201008089, Wells Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 12, 2010.
- EOG Resources, Inc. Pad ID: NICHOLS 1H Pad, ABR-201008090, Smithfield Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 12, 2010.
- EOG Resources, Inc. Pad ID: SEAMAN 1H Pad, ABR-201008091, Ridgebury Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 12, 2010.
- EOG Resources, Inc. Pad ID: McKEE Pad, ABR-201008092, Ridgebury Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 12, 2010.
- EOG Resources, Inc. Pad ID: Furman Pad, ABR-201008093, Springfield Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 12, 2010.
- EOG Resources, Inc. Pad ID: HAVEN 2 H, ABR-201008094, Springfield Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 12, 2010.
- Chesapeake Appalachia, LLC, Pad ID: Boyles, ABR-201008095, Elkland Township, Sullivan County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 12, 2010.
- Chesapeake Appalachia, LLC, Pad ID: Donna, ABR-201008096, Terry Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 13, 2010.
- Carrizo Marcellus, LLC, Pad ID: Shields Well Pad, ABR-201008097, Monroe Township, Wyoming County, Pa.;

- Consumptive Use of up to 1.400 mgd; Approval Date: August 13, 2010.
- EOG Resources, Inc. Pad ID: Gross 1H Pad, ABR-201008098, Springfield Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 13, 2010.
- Chesapeake Appalachia, LLC, Pad ID: Ammerman, ABR-201008099, Litchfield Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 13, 2010.
- EOG Resources, Inc. Pad ID: JOHNSON Pad, ABR-201008100, Ridgebury Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 13, 2010.
- Chesapeake Appalachia, LLC, Pad ID: George, ABR-201008101, Windham Township, Wyoming County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 13, 2010.
- Williams Production Appalachia LLC, Pad ID: S. Farver 1V, ABR-201008102, Benton Township, Columbia County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: August 13, 2010.
- EOG Resources, Inc. Pad ID: CASEMAN 1H, ABR-201008103, Springfield Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 13, 2010.
- EOG Resources, Inc. Pad ID: CASEMAN 2H, ABR-201008104, Springfield Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 13, 2010.
- EOG Resources, Inc. Pad ID: Lee 4H, ABR-201008105, Springfield Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 16, 2010.
- EOG Resources, Inc. Pad ID: Kingsley 7V Pad, ABR-201008106, Springfield Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 16, 2010.
- Chesapeake Appalachia, LLC, Pad ID: Dave, ABR-201008107, Albany Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 16, 2010.
- Cabot Oil & Gas Corporation, Pad ID: Ramey P1, ABR-201008108, Dimock Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: August 16, 2010.
- EOG Resources, Inc. Pad ID: GEROULD Pad, ABR-201008109, Ridgebury Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 16, 2010.
- Talisman Energy USA, Inc., Pad ID: 05 027 Nekoranik, ABR-201008110, Pike Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 16, 2010.
- Talisman Energy USA, Inc., Pad ID: 05 039 Powell Trust, ABR-201008111, Warren Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 16, 2010.
- Energy Corporation of America, Pad ID: Whitetail #1-5MH, ABR-201008112, Goshen Township and Girard Township, Clearfield County, Pa.; Consumptive Use of up to 1.980 mgd; Approval Date: August 16, 2010.
- Talisman Energy USA, Inc., Pad ID: 05 045 Mountain Paradise Club LLC, ABR-201008113, Warren Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 16, 2010.
- Cabot Oil & Gas Corporation, Pad ID: Maiolini P2, ABR-201008114, Auburn Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: August 16, 2010.
- Anadarko E&P Company, LP, Pad ID: Nevin L Smith Pad A, ABR-201008115, Gamble Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 16, 2010.
- Anadarko E&P Company, LP, Pad ID: Michael R Fulkerson Pad A, ABR-201008116, Cogan House Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 16, 2010.
- East Resources Management, LLC, Pad ID: Old Possessions Hunting Club 485, ABR-201008117, Sullivan Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: August 17, 2010.
- EOG Resources, Inc. Pad ID: WENGER Pad, ABR-201008118, Springfield Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 16, 2010.
- EOG Resources, Inc. Pad ID: MICCIO 1H Pad, ABR-201008119, Ridgebury Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 17, 2010.
- EOG Resources, Inc. Pad ID: MacBride Pad, ABR-201008120, Smithfield Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 17, 2010.
- Talisman Energy USA, Inc., Pad ID: 05 016 Warner, ABR-201008121, Stevens Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 17, 2010.
- Talisman Energy USA, Inc., Pad ID: 05 044 O'Gorman, ABR-201008122, Warren Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 17, 2010.
- Cabot Oil & Gas Corporation, Pad ID: WarrinerR P4, ABR-201008123, Dimock Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: August 17, 2010.
- Talisman Energy USA, Inc., Pad ID: 05 046 O'Rourke, ABR-201008124, Warren Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 17, 2010.
- EOG Resources, Inc. Pad ID: Chapman Pad, ABR-201008125, Springfield Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 17, 2010.
- East Resources Management, LLC, Pad ID: Appold 493, ABR-201008126, Sullivan Township, Tioga County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: August 18, 2010.
- EOG Resources, Inc. Pad ID: WATSON Pad, ABR-201008127, Springfield Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 18, 2010.
- Talisman Energy USA, Inc., Pad ID: 01 086 Brelsford, ABR-201008128, Armenia Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 18, 2010.
- Talisman Energy USA, Inc., Pad ID: 05 005 Ayers, ABR-201008129, Orwell Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 18, 2010.
- EQT Production Company, Pad ID: Phoenix E, ABR-201008130, Duncan Township, Tioga County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 18, 2010.
- Hess Corporation, Pad ID: Kraft, ABR-201008131, Starrucca Borough, Wayne County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 19, 2010.
- Hess Corporation, Pad ID: Steinberg 1H, ABR-201008132, Preston Township, Wayne County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 19, 2010.
- Hess Corporation, Pad ID: Gerhard, ABR-201008133, Scott Township, Wayne County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 19, 2010.
- Cabot Oil & Gas Corporation, Pad ID: StockholmK P2, ABR-201008134, Rush Township, Susquehanna County, Pa.; Consumptive Use of up to 3.575 mgd; Approval Date: August 19, 2010.
- East Resources Management, LLC, Pad ID: Kinnan 845, ABR-201008135, Middlebury Township, Tioga County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 19, 2010.

- Consumptive Use of up to 4.000 mgd; Approval Date: August 19, 2010.
- Ultra Resources, Inc. Pad ID: Ritter 828, ABR-201008136, Gaines Township, Tioga County, Pa.; Consumptive Use of up to 4.990 mgd; Approval Date: August 19, 2010.
- Carrizo Marcellus, LLC, Pad ID: Baker 2H, ABR-201008137 Forest Lake Township, Susquehanna County, Consumptive Use of up to 1.400 mgd; Approval Date: August 20, 2010.
- Citrus Energy, Pad ID: Mirabelli Pad 1-1H, ABR-201008138, Washington Township, Wyoming County, Pa.; Consumptive Use of up to 5.000 mgd; Approval Date: August 20, 2010.
- Chesapeake Appalachia, LLC, Pad ID: Bedford, ABR-201008139 Elkland Township, Sullivan County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 20, 2010.
- Chesapeake Appalachia, LLC, Pad ID: Thall, ABR-201008140, Albany Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 20, 2010.
- Talisman Energy USA, Inc., Pad ID: Carpenter 03 023, ABR-201008141, Columbia Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 20, 2010.
- Seneca Resources Corporation, Pad ID: DCNR Tract 001 1H, ABR-201008142, Sweden Township, Potter County, Pa.; Consumptive Use of up to 4.000 mgd; Approval Date: August 23, 2010, including a partial waiver of 18 CFR §806.15.
- Anadarko E&P Company, LP, Pad ID: Scott E Ely Pad A, ABR-201008143, Gamble Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 23, 2010.
- Anadarko E&P Company, LP, Pad ID: Frank L Hartley Pad A, ABR-201008144, Cogan House Township, Lycoming County, Pa.; Consumptive Use of up to 3.000 mgd; Approval Date: August 23, 2010.
- Chesapeake Appalachia, LLC, Pad ID: Clarke, ABR-201008145, Overton Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 23, 2010.
- Chesapeake Appalachia, LLC, Pad ID: Benspond, ABR-201008146, Elkland Township, Sullivan County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 23, 2010.
- Chesapeake Appalachia, LLC, Pad ID: Fremar, ABR-201008147, Fox Township, Sullivan County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 23, 2010.
- Chesapeake Appalachia, LLC, Pad ID: Hottenstein, ABR-201008148, Forks Township, Sullivan County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 23, 2010.
- Chesapeake Appalachia, LLC, Pad ID: Balent NEW, ABR-201008149, Wysox Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 23, 2010.
- Talisman Energy USA, Inc., Pad ID: 01 084 O'Reilly, ABR-201008150, Granville Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 25, 2010.
- Talisman Energy USA, Inc., Pad ID: 05 067 Green Newland LLC, ABR-201008151, Warren Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 25, 2010.
- Talisman Energy USA, Inc., Pad ID: 05 026 Strobe, ABR-201008152, Warren Township, Bradford County, Pa.; Consumptive Use of up to 6.000 mgd; Approval Date: August 26, 2010.
- EOG Resources, Inc. Pad ID: TYLER Pad, ABR-201008153, Springfield Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 26, 2010.
- EOG Resources, Inc. Pad ID: W TYLER Pad, ABR-201008154, Springfield Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 26, 2010.
- EOG Resources, Inc. Pad ID: STURDEVANT 1H Pad, ABR-201008155, Ridgebury Township, Bradford County, Pa.; Consumptive Use of up to 4.999 mgd; Approval Date: August 26, 2010.
- Citrus Energy, Pad ID: P&G Warehouse 1-1H, ABR-201008156, Meshoppen Township, Wyoming County, Pa.; Consumptive Use of up to 5.000 mgd; Approval Date: August 26, 2010.
- Chesapeake Appalachia, LLC, Pad ID: McCabe, ABR-201008157, Towanda Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 26, 2010.
- Chesapeake Appalachia, LLC, Pad ID: Wolf, ABR-201008158, Athens Township, Bradford County, Pa.; Consumptive Use of up to 7.500 mgd; Approval Date: August 26, 2010.

AUTHORITY: P.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: September 24, 2010.

STEPHANIE L. RICHARDSON
Secretary to the Commission.

[10-21-46]

MARYLAND HEALTH CARE COMMISSION

Schedules for Certificate of Need Review

The Maryland Health Care Commission provides the following schedules to interested members of the public and potential developers of projects involving health services and facilities that are subject to Certificate of Need ("CON") review and approval. The general criteria for Certificate of Need review are set forth at COMAR 10.24.01.08G(3). An applicant must demonstrate that the proposed project is consistent with these review criteria, as well as with applicable standards and need projections in the State Health Plan for Facilities and Services (State Health Plan), in order to be approved for a Certificate of Need.

These Certificate of Need review schedules update and extend the schedules published in 37:7 *Md. Register*, pages 591-594 (March 26, 2010) by repealing each previously published scheduled review for which the due date for receipt of Letters of Intent has not yet occurred. These review schedules are not solicitations by the Commission for Certificate of Need applications, and do not indicate in themselves that additional capacity is needed in services subject to Certificate of Need review, or that Certificate of Need applications submitted for the services described will be approved by the Commission.

Applicants are encouraged to discuss their development plans and projects with the Commission Staff prior to filing letters of intent or applications.

Letters of Intent and Applications for scheduled reviews may only be received and reviewed according to these published schedules. All Letters of Intent and Certificate of Need applications, including all of the required number of copies of CON applications, must be received at the offices of the **Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215, no later than 4:30 p.m.** on the scheduled date of submission.

For further information about review schedules or procedures, call Paul Parker, Chief of Certificate of Need, at (410) 764-3261.

Acute Care Hospital Projects: Capital Construction and Changes to Bed Capacity

The Commission hereby publishes the following schedules for the submission of Certificate of Need applications by acute care hospitals, for projects that involve capital expenditures related to replacement hospital facilities, new construction or renovation to existing acute care hospitals, proposed increases in licensed medical-surgical-gynecology-addictions and/or pediatric bed capacity at existing hospitals, or projects that involve more than one of these categories. Note that the following schedules do not apply to a project to establish a new acute care hospital.

Schedule One: All Acute Care Hospital Projects

Jurisdictions	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Allegany, Frederick, Garrett, Washington	November 5, 2010	November 17, 2010	January 7, 2011
Anne Arundel, Baltimore, Carroll, Harford, Howard, Baltimore City	December 3, 2010	December 15, 2010	February 4, 2011
Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, Worcester	January 7, 2011	January 19, 2011	March 11, 2011
Calvert, Charles, Montgomery, Prince George's, St. Mary's	February 4, 2011	February 16, 2011	April 8, 2011

Schedule Two: All Acute Care Hospital Projects

Jurisdictions	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Allegany, Frederick, Garrett, Washington	May 6, 2011	May 19, 2011	July 8, 2011
Anne Arundel, Baltimore, Carroll, Harford, Howard, Baltimore City	June 3, 2011	June 15, 2011	August 5, 2011
Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, Worcester	July 8, 2011	July 20, 2011	September 9, 2011
Calvert, Charles, Montgomery, Prince George's, St. Mary's	August 5, 2011	August 17, 2011	October 7, 2011

Special Hospitals (Pediatric, Psychiatric, Chronic, and Rehabilitation)

The Commission hereby publishes the following schedules for the submission of applications for any action related to facilities with the "special hospital" license category (psychiatric, chronic, rehabilitation, or pediatric), for projects including a replacement facility for an existing special hospital, capital expenditures for new construction or renovation at an existing special hospital, or changes to service categories or bed capacity in an existing special hospital. Note that the following schedules do not apply to a project to establish a new special hospital.

For this special hospital services schedule, the Commission will use the following regional configuration of counties:

Western Maryland: Allegany, Carroll, Frederick, Garrett, Washington	Central Maryland: Anne Arundel, Baltimore, Harford, Howard, Baltimore City
Montgomery: Montgomery County	Southern Maryland: Calvert, Charles, Prince George's, St. Mary's
Eastern Shore: Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, Worcester	

Schedule One Special Hospitals (Pediatric, Psychiatric, Chronic, and Rehabilitation)

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Western Maryland	October 1, 2010	October 13, 2010	December 3, 2010
Montgomery County	December 3, 2010	December 15, 2010	February 4, 2011
Southern Maryland	January 7, 2011	January 19, 2011	March 11, 2011
Central Maryland	February 4, 2011	February 16, 2011	April 8, 2011
Eastern Shore	March 4, 2011	March 16, 2011	May 6, 2011

SPECIAL DOCUMENTS

Schedule Two
Special Hospitals (Pediatric, Psychiatric, Chronic, and Rehabilitation)

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Western Maryland	April 1, 2011	April 13, 2011	June 3, 2011
Montgomery County	June 3, 2011	June 15, 2011	August 5, 2011
Southern Maryland	July 1, 2011	July 13, 2011	September 2, 2011
Central Maryland	August 5, 2011	August 17, 2011	October 7, 2011
Eastern Shore	September 2, 2011	September 14, 2011	November 4, 2011

Neonatal Intensive Care Units (NICU)

The Commission hereby publishes the following schedules for the submission of applications to establish a new neonatal intensive care unit at an acute care hospital.

Schedule One
Neonatal Intensive Care Units (NICU)

	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
All regions	December 3, 2010	December 15, 2010	February 4, 2011

Schedule Two
Neonatal Intensive Care Units (NICU)

	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
All regions	July 1, 2011	July 13, 2011	September 2, 2011

Alcohol and Substance Abuse Treatment Facilities

The Commission hereby publishes the following schedules for the submission of Certificate of Need applications to establish intermediate care facilities for the treatment of alcohol and substance abuse. Applications will be considered according to this schedule for programs categorized by the Commission as "Track 1," or privately-funded facilities, which are required by State Health Plan policies to treat 15 to 30% indigent and "gray area" clients, for adults or adolescents (up to age 17), respectively, in the health service areas in which the Commission's projections indicate need for new treatment capacity.

Letters of intent and applications to establish "Track 2," or publicly-funded facilities, defined by the State Health Plan as those "substantially funded by the budget processes of the State" or "by one or more jurisdictional governments," [(COMAR 10.24.14.08B(21))], which must reserve at least 50% of their proposed annual adolescent or adult bed capacity for indigent and "gray area" patients, may be submitted at any time.

In the State Health Plan for this service and in this schedule, the following regional configuration of counties applies:

<u>Western Maryland:</u> Allegany, Carroll, Frederick, Garrett, Washington	<u>Central Maryland:</u> Anne Arundel, Baltimore, Harford, Howard, Baltimore City
<u>Montgomery:</u> Montgomery County	<u>Southern Maryland:</u> Calvert, Charles, Prince George's, St. Mary's
<u>Eastern Shore:</u> Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, Worcester	

Schedule One: Track 1 (Private) Facilities for Adults
Alcohol and Substance Abuse Treatment Facilities

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Southern Maryland	October 1, 2010	October 13, 2010	December 3, 2010
Eastern Shore	November 5, 2010	November 17, 2010	January 7, 2011
Montgomery County	December 3, 2010	December 15, 2010	February 4, 2011
Western Maryland	January 7, 2011	January 19, 2011	March 11, 2011
Central Maryland	February 4, 2011	February 16, 2011	April 8, 2011

**Schedule Two: Track 1 (Private) Facilities for Adults
Alcohol and Substance Abuse Treatment Facilities**

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Southern Maryland	April 1, 2011	April 13, 2011	June 3, 2011
Eastern Shore	May 6, 2011	May 18, 2011	July 8, 2011
Montgomery County	June 3, 2011	June 15, 2011	August 5, 2011
Western Maryland	July 1, 2011	July 13, 2011	September 2, 2011
Central Maryland	August 5, 2011	August 17, 2011	October 7, 2011

Freestanding Ambulatory Surgical Facilities

The Commission hereby establishes the following schedules for the submission of applications for new freestanding ambulatory surgical facilities, as defined in statute at Health-General Article §19-114(b).

**Schedule One
Freestanding Ambulatory Surgical Facilities**

Jurisdictions	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Calvert, Charles, Montgomery, Prince George's, St. Mary's	October 1, 2010	October 13, 2010	December 3, 2010
Anne Arundel, Baltimore, Carroll, Harford, Howard, Baltimore City	November 5, 2010	November 17, 2010	January 7, 2011
Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot Wicomico, Worcester	December 3, 2010	December 15, 2010	February 4, 2011
Allegany, Frederick, Garrett, Washington	February 4, 2011	February 16, 2011	April 8, 2011

**Schedule Two
Freestanding Ambulatory Surgical Facilities**

Jurisdictions	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Calvert, Charles, Montgomery, Prince George's, St. Mary's	April 1, 2011	April 13, 2011	June 3, 2011
Anne Arundel, Baltimore, Carroll, Harford, Howard, Baltimore City	May 6, 2011	May 18, 2011	July 8, 2011
Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot Wicomico, Worcester	June 3, 2011	June 15, 2011	August 5, 2011
Allegany, Frederick, Garrett, Washington	August 5, 2011	August 17, 2011	October 7, 2011

Comprehensive Care Facility Projects

The Commission hereby publishes the following schedule for Certificate of Need review of proposed projects affecting comprehensive care facilities ("CCFs").

In the State Health Plan for this service, the following regional configuration of jurisdictions applies:

<u>Western Maryland:</u> Allegany, Carroll, Frederick, Garrett, Washington	<u>Central Maryland:</u> Anne Arundel, Baltimore, Harford, Howard, Baltimore City
<u>Montgomery:</u> Montgomery County	<u>Southern Maryland:</u> Calvert, Charles, Prince George's, St. Mary's
<u>Eastern Shore:</u> Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, Worcester	

**Schedule One:
Comprehensive Care Facility Projects**

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Eastern Shore	October 1, 2010	October 13, 2010	December 3, 2010
Western Maryland	November 5, 2010	November 17, 2010	January 7, 2011
Montgomery County	December 3, 2010	December 15, 2010	February 4, 2011
Central Maryland	January 7, 2011	January 19, 2011	March 11, 2011
Southern Maryland	February 4, 2011	February 16, 2011	April 8, 2011

SPECIAL DOCUMENTS

**Schedule Two:
Comprehensive Care Facility Projects**

Health Planning Region	Letter of Intent Due Date	Pre-Application Conference Date	Application Submission Date
Eastern Shore	April 1, 2011	April 13, 2011	June 3, 2011
Western Maryland	May 6, 2011	May 18, 2011	July 8, 2011
Montgomery County	June 3, 2011	June 15, 2011	August 5, 2011
Central Maryland	July 1, 2011	July 13, 2011	September 2, 2011
Southern Maryland	August 5, 2011	August 17, 2011	October 7, 2011

[10-21-48]

DEPARTMENT OF STATE POLICE HANDGUN ROSTER BOARD

Proposed Additions to Handgun Roster and Notice of Right to Object or Petition

The following is a list of handguns that the Handgun Roster Board proposes to add to the official handgun roster. These handguns will be officially placed on the Handgun Roster if no timely objection is received or if all timely objections are dismissed.

Under Public Safety Article, §5-405, Annotated Code of Maryland, and COMAR 29.03.03.13 and .14, any person may object to the placement of any of those handguns on the Handgun Roster. Objections must be filed within 30 days after **October 8, 2010**. In addition, any person may petition for the placement of an additional handgun on the Handgun Roster. Forms for objections or petitions may be obtained from: Marlene Jenkins, Administrator, Handgun Roster Board, 1201 Reisterstown Road, Pikesville, Maryland 21208.

<i>Manufacturer</i>	<i>Model Name</i>	<i>Model Number</i>	<i>Caliber</i>
Beretta USA	96A1	F, D, G and C	.40 S&W
Beretta USA	92A1	F, D, G and C	9mm
Chiappa Firearms	Puma	1911-22	.22 LR
Excel Arms	X-22P		.22 LR
Kimber	Tactical Entry II	3200199	.45 ACP
Para USA, Inc.	S 16-40 Limited	SX 1640 SR	.40 Cal
Para USA, Inc.	Covert Carry 9	CWX79R	9mm
Remington Arms Co., Inc.	1911 R-1	96323	.45 ACP
Smith & Wesson	SD9		9mm
Smith & Wesson	SD40		40 S&W
Taurus	PT-740 Slim		.40 Cal
Freedom Arms	2008 Single Shot Handgun		All (as of 9/2010)
Sturm Ruger	New Model Single Six	KNR-7H	.22 LR, .22 Mag.
A request to include the Chiappa Firearms Internal Safety Locking was also submitted and approved. It is to be listed on the Approved Integrated Mechanical Safety Devices as: Chiappa Firearms			

[10-21-45]

General Notices

Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

BOARD OF ARCHITECTS

Subject: Public Meeting
Date and Time: October 27, 2010, 10 a.m.
Place: 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD
Contact: Pamela J. Edwards (410) 230-6263

[10-21-35]

BOARD OF AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH-LANGUAGE PATHOLOGISTS

Subject: Public Meeting
Date and Time: October 21, 2010, 4 — 6 p.m.
Place: Metro Executive Bldg., 4201 Patterson Ave., Baltimore, MD
Contact: Christopher Kelter (410) 764-4725

[10-21-15]

BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS

Subject: Public Meeting
Date and Time: October 14, 2010, 10 a.m. — 1 p.m.
Place: Dept. of Health and Mental Hygiene, 4201 Patterson Ave., Rm. 100, Baltimore, MD
Contact: Maria Ware (410) 764-5902

[10-21-31]

COMPTROLLER OF THE TREASURY

Subject: Notice of Interest Rate on Refunds and Moneys Owed to the State
Add'l. Info: Pursuant to Tax-General Article, §13-604, Annotated Code of Maryland, the Comptroller is required to set the annual interest rate on refunds and moneys owed to the State. For the 2011 calendar year, the annual interest rate on refunds and moneys owed to the State will be 13%.

Contact: Linda L. Tanton (410) 260-7806

[10-21-28]

COMPTROLLER OF THE TREASURY

Subject: Announcement
Add'l. Info: Reduction of Bond Authorizations

Pursuant to State Finance and Procurement Article, §8-128, Annotated

Code of Maryland, which provides that if, within 2 years after the date of an authorization of State debt, no part of the project or program for which the enabling act authorized the State debt is under contract and the Board of Public Works has not committed money for any part of the project or program, the authorization terminates unless:

(1) The enabling act provides otherwise; or

(2) In an emergency, the Board unanimously grants a temporary exception for a period of 1 year.

Therefore, with Board of Public Works approval of item #6 dated September 22, 2010, we submit for publication the following cancellation of bond authorizations in accordance with the above-referenced article:

Old Carvers Heights — South Hampton Community Village Loan of 2004:

Chapter 432 Acts of 2004, amended by Chapter 555 Acts of 2006 and Chapter 219 Acts of 2009; \$250,000; authorized the proceeds for the planning, design, construction, repair, renovation, reconstruction, and capital equipping of Old Carvers Heights — South Hampton Community Village located in Lexington Park.

Project T.O.O.U.R. Loan of 2005:

Chapter 445, Acts of 2005 amended by Chapter 219 Acts of 2008; \$100,000; authorized the proceeds for the planning, design, repair, renovation, reconstruction, and capital equipping of two adjacent buildings that will serve as a neighborhood service center located in Baltimore City.

Gay Street One/Madison Square Loan of 2006:

Chapter 46, Acts of 2006, amended by Chapter 219 Acts of 2008; \$125,000; authorized the proceeds for the acquisition, planning, design, construction, repair, renovation, and capital equipping vacant and boarded housing properties located in the Gay Street One/Madison Square area of Baltimore City.

Caroline Hospice Loan of 2007:

Chapter 488, Acts of 2007; \$50,000; authorized the proceeds for the design, construction, renovation, and capital equipping of the Caroline Hospice located in Denton.

Caroline Hospice Loan of 2007:

Chapter 488, Acts of 2007; \$100,000; authorized the proceeds for the design, construction, renovation, and capital

equipping of the Caroline Hospice located in Denton.

Annapolis Underground Wiring Loan of 2008:

Chapter 336, Acts of 2008; \$600,000; authorized the proceeds to assist design, construction, and capital equipping of a learning disabled student assistance center at the Norbel School, located in Elkridge.

Centro Familia Child Care and Training Center Loan of 2008:

Chapter 336, Acts of 2008; \$100,000; authorized the proceeds for the renovation and capital equipping of the Centro Familia Child Care and Training Center located in Wheaton.

Centro Familia Child Care and Training Center Loan of 2008:

Chapter 336, Acts of 2008; \$75,000; authorized the proceeds for the renovation and capital equipping of the Centro Familia Child Care and Training Center located in Wheaton.

CentroNia Facility Loan of 2008:

Chapter 336, Acts of 2008; \$200,000; authorized the proceeds for the renovation and capital equipping of the CentroNia Facility located in Takoma Park.

Multicultural Use Center Loan of 2008:

Chapter 336 Acts of 2008; \$150,000; authorized the proceeds for the renovation of the Center for the Educational Partnerships located in Riverdale.

Sharp Street United Methodist Church Modular Loan of 2008:

Chapter 336 Acts of 2008, amended by Chapter 707 Acts of 2009; \$50,000; authorized the proceeds for the acquisition, planning, design, construction, and capital equipping of a modular building located in Sandy Spring.

Sharp Street United Methodist Church Modular Loan of 2008:

Chapter 336 Acts of 2008, amended by Chapter 707 Acts of 2009; \$50,000; authorized the proceeds for the acquisition, planning, design, construction, and capital equipping of a modular building located in Sandy Spring.

Southwest Senior and Community Multipurpose Center Loan of 2008:

Chapter 336 Acts of 2008; \$90,000; authorized the proceeds for the acquisition, planning, design, construction, renovation, and capital equipping of the Southwest Senior and Community Multipurpose Center located in Baltimore City.

Southwest Senior and Community Multipurpose Center Loan of 2008:

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Senior and Community Multipurpose Center located in Baltimore City.

Southwest Senior and Community Multipurpose Center Loan of 2008:

Chapter 336 Acts of 2008; \$25,000; authorized the proceeds for the acquisition, planning, design, construction, renovation, and capital equipping of the Southwest Senior and Community Multipurpose Center located in Baltimore City.

Springfield Barn Loan of 2008:

Chapter 336 Acts of 2008; \$100,000; authorized the proceeds for the planning, design, construction, repair, renovation, and capital equipping of the Springfield Barn located in Williamsport.

Contact: Jim Bilbrough (410) 260-7909

[10-21-38]

COMPTROLLER OF THE TREASURY

Subject: Announcement

Add'l. Info: Reduction of Bond Authorizations

Pursuant to State Finance and Procurement Article, §8-128, Annotated Code of Maryland, which provides that if, within 2 years after the date of an authorization of State debt, no part of the project or program for which the enabling act authorized the State debt is under contract and the Board of Public Works has not committed money for any part of the project or program, the authorization terminates unless:

(1) The enabling act provides otherwise; or

(2) In an emergency, the Board unanimously grants a temporary exception for a period of 1 year.

Therefore, with Board of Public Works approval of item # 7 dated September 22, 2010, we submit for publication the following cancellation of bond authorizations in accordance with the above-referenced article:

Capitol College Loan of 2002:

Chapter 290, Acts of 2002; \$238,848.31; authorized the proceeds to assist in the design, construction and capital equipping of a new Academic Building.

Library Square Revitalization Loan of 2007:

Chapter 488, Acts of 2007; \$66,423.35; authorized the proceeds for the acquisition, planning, construction, repair, renovation, reconstruction and capital equipping of properties in the Library Square area of Patterson Park located in Baltimore City.

Marlton Gazebo Loan of 2007:

Chapter 488, Acts of 2007 amended by Chapter 707 Acts of 2009; \$57,044.48; authorized the proceeds for the planning,

design, repair, construction and reconstruction of Marlton Gazebo located in Upper Marlboro.

Community Legacy Program Loan of 2004:

Chapter 432 Acts of 2004; \$546.55; authorized the proceeds to assist neighborhoods with revitalization efforts.

Maryland Environmental Service Infrastructure Improvements Program of 1992:

Chapter 4 Acts of 1992; \$45.84; authorized the proceeds to design, construct, and equip capital improvements for State institutions.

Shelter and Transitional Housing Facilities Grant Program of 2006:

Chapter 46 Acts of 2006; \$3.00; authorized the proceeds to acquire, design, construct, renovate, and equip facilities for homeless individuals and families.

Morgan State University — New Fine Arts Building Loan of 1995:

Chapter 131 Acts of 1995; \$2.00; authorized the proceeds to prepare detailed plans for the construction of a new Fine Arts Building.

Contact: Jim Bilbrough (410) 260-7909

[10-21-39]

COMPTROLLER OF THE TREASURY

Subject: Announcement

Add'l. Info: Reinstatement of Bond Authorization

Background: Reference is made to Secretary's Agenda Item 10 (May 5, 2010), in which the Board approved a recommendation to cancel the above authorization and to decrease the State's spending authority in like amount. That recommendation reflected an error in law.

The original 2001 bond bill, as amended in 2002, required that the proceeds of this loan be expended or encumbered by the Board of Public Works not later than June 1, 2009. Under State Finance and Procurement Article, §8-128, Annotated Code of Maryland, authorization for any funds that were unexpended or unencumbered after June 1, 2009, was ripe for cancellation. The Office of the Comptroller notified the grantee that it would be recommending cancellation based on the bond bill and the law, and was not advised of any disagreement. Accordingly, the Office recommended, and the Board approved, an Item to cancel the grant.

Since that time, the Office has learned that the General Assembly extended the grantee's termination date in Chapter 707, Acts of 2009. That law gives the grantee until June 1, 2011, to expend or encumber the grant funds. Due to the extension of

time the General Assembly permitted, this project did not qualify for cancellation.

Therefore, with Board of Public Works approval of item #5 dated September 22, 2010; we submit for publication the following reinstatement of bond authorization:

To reinstate the following general obligation bond authorization in the amount of \$208,379.99 and, at the same time, increase the State's spending authority as shown for the following capital project.

Baltimore City: East Baltimore Community Recreation and Learning Center Loan of 2001; \$208,379.99; Chapter 715, Acts of 2001 as amended by Chapter 94, Acts of 2002 and by Chapter 707, Acts of 2009

Contact: Jim Bilbrough (410) 260-7909

[10-21-40]

BOARD OF COSMETOLOGISTS

Subject: Public Meeting

Date and Time: December 6, 2010, 9:30 a.m. — 4:30 p.m.

Place: 500 N. Calvert St., 2nd Fl., Baltimore, MD

Add'l. Info: Centre St. Entrance

Contact: Robert Wood (410) 230-6195

[10-21-19]

BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS

Subject: Public Meeting

Date and Time: October 15, 2010, 11 a.m. — 2 p.m.

Place: 4201 Patterson Ave., Baltimore, MD

Contact: Tawana Brown or Janice Isaac (410) 764-4732

[10-21-11]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting

Date and Time: January 10, 2011, 3 — 5 p.m.

Place: Baltimore County, Loch Raven Library, Baltimore, MD

Contact: Jessica Winpiger (410) 821-2829

[10-21-07]

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Subject: Public Meeting

Date and Time: March 14, 2011, 3 — 5 p.m.

Place: Baltimore County, Loch Raven Library, Baltimore, MD

Contact: Jessica Winpiger (410) 821-2829

[10-21-08]

**MARYLAND STATE BOARD OF
EDUCATION****Subject:** Public Meeting**Date and Time:** October 26, 2010, 9 a.m. — 5 p.m.; October 27, 2010 and December 14—15, 2010**Place:** Nancy S. Grasmick State Education Bldg., 200 W. Baltimore St., Baltimore, MD**Add'l. Info:** The State Board of Education is pleased to receive oral public comment at each of its regular monthly meetings. In order to allow the State Board sufficient time for its other business, the total time allotted to public comment will generally be limited to 30 minutes. Individuals seeking to speak to the Board will be given 3 minutes each. Persons desiring to speak to the State Board, must call (410) 767-0467 or e-mail (cnecessary@msde.state.md.us) the Board office not earlier than 1 week prior to the meeting to register to speak. Registration will be accepted on a first-come, first-served basis. In order to make the limited time available most effective, speakers are urged to provide multiple written copies of their comments or other material amplifying their views.**Contact:** Charlene Necessary (410) 767-0467

[10-21-18]

**BOARD OF MASTER
ELECTRICIANS****Subject:** Public Meeting**Date and Time:** November 23, 2010, 10 a.m. — 12 p.m.**Place:** 500 N. Calvert St., Baltimore, MD**Contact:** Ge Herzberger (410) 230-6163

[10-21-24]

**CONTINUING PROFESSIONAL
COMPETENCY COMMITTEE OF
THE BOARD FOR PROFESSIONAL
ENGINEERS****Subject:** Public Meeting**Date and Time:** October 18, 2010, 2:30 — 5 p.m.**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD**Contact:** Pamela J. Edwards (410) 230-6263

[10-21-33]

**BOARD OF EXAMINING
ENGINEERS****Subject:** Public Meeting**Date and Time:** November 16, 2010, 10 a.m. — 12 p.m.**Place:** 500 N. Calvert St., Baltimore, MD**Contact:** Gae Herzberger (410) 230-6163

[10-21-23]

**BOARD OF ENVIRONMENTAL
SANITARIANS****Subject:** Public Meeting**Date and Time:** November 3, 2010, 9 a.m. — 4 p.m.**Place:** Howard Co. Bureau of Utilities, 8270 Old Montgomery Rd., Columbia, MD**Add'l. Info:** A portion of this meeting may be held in closed session.**Contact:** Lee Haskins (410) 537-3594

[10-21-06]

**DEPARTMENT OF HEALTH AND
MENTAL HYGIENE/MARYLAND
BOARD OF PHYSICIANS****Subject:** Public Meeting**Date and Time:** October 27, 2010, 9 — 10 a.m.; Open Meetings will be held at 9 a.m. and 3 p.m.**Place:** 4201 Patterson Ave., Rms. 108/109, Baltimore, MD**Add'l. Info:** Appropriate auxiliary aids and services provided for qualified individuals upon request. Call Ellen D. Smith at (410) 764-2477.**Contact:** Tammy Austin (410) 764-4769

[10-21-09]

**BOARD OF HEATING,
VENTILATION, AIR-
CONDITIONING, AND
REFRIGERATION CONTRACTORS
(HVACR)****Subject:** Public Meeting**Date and Time:** November 10, 2010, 9:30 a.m. — 12 p.m.**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD**Contact:** Steve Smitson (410) 230-6169

[10-21-10]

**HISTORIC ST. MARY'S CITY
COMMISSION****Subject:** Public Meeting**Date and Time:** October 16, 2010, 12:30 — 2:30 p.m.**Place:** St. Mary's College of Maryland, Campus Center 205, St. Mary's City, MD**Contact:** Porzia Purves (240) 895-4960

[10-21-26]

**BOARD OF CERTIFIED INTERIOR
DESIGNERS****Subject:** Public Meeting**Date and Time:** October 25, 2010, 2 p.m.**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD**Contact:** Pamela J. Edwards (410) 230-6263

[10-21-34]

COMMISSION ON KIDNEY DISEASE**Subject:** Public Meeting**Date and Time:** October 28, 2010, 2 — 4 p.m.**Place:** 4201 Patterson Ave., Baltimore, MD**Contact:** Eva Schwartz (410) 764-4799

[10-21-17]

**MARYLAND STATE LOTTERY
COMMISSION****Subject:** Public Meeting**Date and Time:** October 22, 2010, 10 a.m. — 1 p.m.**Place:** Montgomery Park Business Center, 1800 Washington Blvd., Ste. 330, Baltimore, MD**Contact:** Marie A. Torosino (410) 230-8790

[10-21-41]

**MARYLAND HEALTH CARE
COMMISSION****Subject:** Public Meeting**Date and Time:** October 21, 2010, 1 p.m.**Place:** Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD**Add'l. Info:** Individuals requiring special accommodations are requested to contact Valerie Wooding at (410) 764-3460, or the Department of Health and Mental Hygiene TTY at (410) 383-7755, not later than 20 working days before the meeting to make arrangements.**Contact:** Valerie Wooding (410) 764-3460

[10-21-13]

**MARYLAND HEALTH CARE
COMMISSION****Subject:** Receipt of Application**Add'l. Info:** On September 10, 2010, the Maryland Health Care Commission (MHCC) received an application for Certificate of Need submitted by Peninsula Regional Medical Center Matter No. 10-20-2313 — substantial renovation and square footage expansion of existing operating rooms. The project will not increase the number of operating rooms but will increase the per room square footage. Project Cost: \$17, 940,000.

The MHCC shall review the application under Health-General Article, §19-101 et seq., Annotated Code of Maryland, and COMAR 10.24.01.

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the application. All further notices of proceedings on the application will be sent

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only to affected persons who have registered as interested parties.

Please refer to the Matter No. listed above in any correspondence on the application. A copy of the application is available for review in the office of the MHCC, during regular business hours by appointment. All correspondence should be addressed to Pamela W. Barclay, Director, Center for Hospital Services, MHCC, 4160 Patterson Avenue, Baltimore, Maryland 21215

Contact: Ruby Potter (410) 764-3276

[10-21-25]

MARYLAND HEALTH CARE COMMISSION

Subject: Formal Start of Review

Add'l. Info: Peninsula Regional Medical Center—Docket No. 10-22-2313—Renovation and Expansion of Peninsula Regional's existing operating rooms. Peninsula Regional is located at 100 East Carroll Street, Salisbury, 21801. The proposed cost of the project is \$17,955,000.

Pursuant to COMAR 10.24.01 et seq., on October 8, 2010, the Maryland Health Care Commission hereby gives notice of docketing the above-referenced application.

Persons desiring to become interested parties in the Commission's review of the above-referenced application must meet the requirements of COMAR 10.24.01B(2) and (20) and must also submit written comments to the Commission not later than close of business on November 8, 2010. The comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F.

Questions may be directed to Pamela Barclay, Director, Center for Hospital Services at (410) 764-5982, or send to the MHCC, 4160 Patterson Avenue, Baltimore, MD 21215

Contact: Ruby Potter (410) 764-3276

[10-21-47]

MINORITY BUSINESS ENTERPRISE ADVISORY COMMITTEE

Subject: Public Meeting

Date and Time: October 27, 2010, 8:30 a.m. — 5 p.m.

Place: Harry R. Hughes Dept. of Transportation Bldg., 7201 Corporate Center Dr., Harry Hughes Stes. 1 and 2, Hanover, MD

Contact: Pam Gregory (410) 865-1253

[10-21-32]

BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

Subject: Public Meeting

Date and Time: October 13, 2010, 9:30 a.m.

Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD

Contact: Patricia A. Hannigan (410) 764-4750

[10-21-02]

BOARD OF PLUMBING

Subject: Public Meeting

Date and Time: October 21, 2010, 10:30 a.m. — 12:30 p.m.

Place: 500 N. Calvert St., Rm. 302, Baltimore, MD

Contact: Brenda Clark (410) 230-6164

[10-21-12]

BOARD OF PUBLIC ACCOUNTANCY

Subject: Public Meeting

Date and Time: November 5, 2010, 9 a.m. — 12 p.m.

Place: 500 N. Calvert St., 3rd Fl., Baltimore, MD

Contact: Dennis L. Gring (410) 230-6224

[10-21-03]

STATE ADVISORY COUNCIL ON QUALITY CARE AT THE END OF LIFE

Subject: Public Meeting

Date and Time: October 15, 2010, 10 a.m. — 12 p.m.

Place: Office on Aging, 301 W. Preston St., Rm. 1007, Baltimore, MD

Contact: Kathy Izdebski (410) 576-6327

[10-21-16]

RACING COMMISSION

Subject: Public Meeting

Date and Time: October 19, 2010, 12:30 — 1 p.m.

Place: Laurel Park, Laurel, MD

Contact: J. Michael Hopkins (410) 296-9682

[10-21-22]

REAL ESTATE COMMISSION

Subject: Public Meeting

Date and Time: November 10, 2010, 2 p.m.

Place: Dept. of Labor, Licensing, Regulation, 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD

Add'l. Info: Task Force to Develop Supervision Course

Contact: Patricia Hannon (410) 230-6199

[10-21-14]

MARYLAND BUSINESS TAX REFORM COMMISSION

Subject: Public Meeting

Date and Time: October 14, 2010, 2 — 4 p.m.

Place: Louis L. Goldstein Treasury Bldg., 80 Calvert St., Annapolis, MD

Contact: Linda I Vasbinder (410) 260-7450

[10-21-20]

MARYLAND TRANSPORTATION AUTHORITY

Subject: Public Meeting

Date and Time: October 27, 2010, 9 — 11 a.m.

Place: Maryland Transportation Authority, Point Breeze Complex, 2310 Broening Hwy., Ste. 160, Baltimore, MD

Add'l. Info: A portion of this meeting may be held in closed session.

Contact: Cindy Taylor (410) 537-1002

[10-21-21]

BOARD OF WATERWORKS AND WASTE SYSTEMS OPERATORS

Subject: Public Meeting

Date and Time: November 18, 2010, 10 a.m. — 3 p.m.

Place: Howard Co. Bureau of Utilities, Columbia, MD

Add'l. Info: A portion of this meeting may be held in closed session.

Contact: Pat Kratochvil (410) 537-3167

[10-21-04]

BOARD OF WELL DRILLERS

Subject: Public Meeting

Date and Time: October 27, 2010, 9 a.m. — 4 p.m.

Place: MDE, 1800 Washington Blvd., Terra Conf. Rm., Baltimore, MD

Add'l. Info: A portion of this meeting may be held in closed session.

Contact: Pat Kratochvil (410) 537-3644

[10-21-05]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting

Date and Time: October 28, 2010, 9 — 11 a.m.

Place: 10 E. Baltimore St., Baltimore, MD

Add'l. Info: A portion of this meeting may be held in closed session.

Contact: Amy Lackington (410) 864-5300

[10-21-01]

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EXECUTIVE DEPARTMENT

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September, 2010

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- 19 Dangerous Devices and Substances
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Part 4

- 23 Advance Directive Registry
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- 25 Maryland Health Care Commission
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